

## **Officer Joseph Cruz: Issue # 1 Use of Force:**

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Officer Joseph Cruz stated on October 21, 2017 he responded to a call at 316 Colorado Avenue because a 10-32 was called out by Officer Mazzacco. The issue presented to the Office of Internal Affairs is whether the amount of force in this incident applied by Officer Joseph Cruz was reasonable and based on the facts known to Officer Joseph Cruz at the time of the occurrence and within clearly established policies/procedures, and legal standards; or was the force applied outside of these parameters and thereby excessive given the circumstance.

### **Applicable Standards:**

Members of service with the Bridgeport Police Department are required to complete 14 hours of Use of Force Training as part of the basic training curriculum. The training instructional goal of Police Officer Standards Training Council {POST} curriculum states "this course will review legal authorization and constitutional limitations of use of force in performing law enforcement functions".

This force will focus on Constitutional areas, and Supreme Court Cases are identified. The 4<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> amendments and clearly established laws as it pertains to the "Use Of Force". Specifically, Connecticut General Statute 53a-22 that govern/law enforcement Use of Force, House Bill 7103 Public Act No. 15-4 (An Act Concerning Excessive Use of Force) and the Supreme court case of Tennessee v Garner and Graham v Connor. These areas of the law force curriculum are discussed at length in the Tactical Analysis portion of this investigation.

### **II. Tactical Analysis:**

The conclusions reached in this report have been based on the totality of the investigation and the Bridgeport Police Department Policy and Procedure. The incident wherein Officer Joseph Cruz found himself on October 21, 2017 ultimately developed into a chaotic scene. The scene reconstruction has proven challenging due to the inability to obtain access to the scene without the cooperation of the home owners and the Unusual Occurrence which was reported on the same night to the Office of Internal Affairs.

Officer Cruz further stated that he observed a thin Hispanic male (Mr. Ramon Davila) following Officer Faroni, who was "jumping around and acting erratic, so I stopped him" (*Page 6, Lines 260,1*). Officer Cruz went on to state that he Mr. Davila if he was involved in this to which Mr. Davila responded, "No, I'm just trying to leave, I'm just trying to leave" (*Page 7, Lines 294-5*). Officer Cruz continued on stating that he escorted Mr. Davila back into the rear yard where he inquired of Officer Mazzacco as to Mr. Davila's involvement. Officer Cruz furthered that Officer Mazzacco replied yes, and to arrest Mr. Davila, at which time Officer Cruz attempted to place Mr. Davila under arrest.

Officer Cruz stated that Mr. Davila again attempted to leave, so he "did a leg sweep and "I took him to the ground." (*Page 7, line 306-308*)

In examining the Use of Force in this instance under the requirements of Connecticut General Statute Section 53a-22 a determination must be made as to a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense.

A determination must also be made as to whether the force used complied with the requirements of *Graham v. Connor* as to be objectively reasonable. First, how serious was the offense that the officer suspected at the time the officer used force? Officer Cruz in his statement indicates Officer Cruz stated that Mr. Davila tried to leave and when told he was under arrest, again attempted to leave, so he "did a leg sweep and "I took him to the ground." *(Page 7, line 306-308)*

Based on the video Mr. Davila did not appear to attempt to leave when told he was under arrest.

Second, did the suspect pose a threat to the officer or any other person present. Officer Cruz added that Mr. Davila did not try to assault him, nor did he resist. Officer Cruz furthered that he and Officer Mirtsopoulos handcuffed Mr. Davila, stood him up and escorted him to a nearby patrol car, without incident.

Third, was the suspect actively resisting or attempting to evade arrest by flight. In reference to the 3<sup>rd</sup> prong of *Graham v. Connor* based on all information reviewed by this investigator the suspect's actions were not of someone resisting or attempting to evade arrest. In a thorough review and examination, it is difficult at best to see at any point during the captured incident when Officer Cruz deescalated or made efforts to temper.

In examining the incident and reviewing the video, taking into consideration if and when Mr. Davila submitted or succumbed to the officer, this investigator has reviewed efforts made to temper the severity of the force response. Officer Cruz has proffered that his leg sweep to Mr. Davila was to stop him from leaving.

The Bridgeport Police Department Policy pertaining to the Use of force by a sworn police officer is identified as 3.7.1 Use of Force. Section 3.7.1 Use of force of the Bridgeport Police Department Policy and Procedures is provided in the opening of this report. In addition, this incident lies within the **Three Factors Rule**: As outlined by *Graham v. Connor*.

1. How serious was the offense that the officer suspected at the time that the officer used force? The more serious the offense, the greater the need for apprehension, thus, the greater level of force that may be required.
2. Did the suspect pose a threat to the officer or any other person present?
3. Was the suspect actively resisting or attempting to evade arrest by flight.

Enclosed is the L.O.C.K.U.P. Police Department Training Arrest and Control Manuel. During the L.O.C.K.U.P. lessons students are advised of the deadly force area (Totality of the circumstances) Four targets if struck could be considered to be potentially lethal (Eyes, Throat, Side of Neck Vagus Nerve and Temple).

Exhibit #5a Authority is Case Law which consist of *Graham v. Connor*, *Kingsley v. Hendrickson*, *Tennessee v. Garner* and House Bill No. 7103 Public Act No. 15-4.

This office, as well as any reasonable person could logically conclude that officer Joseph Cruz was in violation of Department Policy 1.1.7.4 Use of force.

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

### **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

Videos obtained, (video name: **10-21-17 316 Colorado Avenue Berke USB**), this particular video captured several different views around the home of 316 Colorado Avenue during the incident on October 21, 2017.

Officer Cruz stated that the party that he took into custody was following Officer Faroni, jumping around and acting erratic as Officer Faroni was wheeling Mr. Peter Diaz out of the driveway (*Page 6, Lines 256-61*). The video displays Officer Faroni departing the driveway of 316 Colorado Avenue with Mr. Diaz, and no one was following him (*316 Colorado Ave Berke USB/ch07-20171021-222410-223244-102000000000, Time 10:28:14*). Additionally, the video footage shows that Mr. Davila was in the rear yard of 316 Colorado Avenue video-taping the events as they unfolded, with a cell phone, and in no way interfered with officers that were on scene (*316 Colorado Ave Berke USB/ch0620171021-221251-222942-101000000000, Time 10:28:11*). The video footage also shows Mr. Davila moving out of police officers' way as they moved about the property (*Mr. Mendez Cell Phone Extraction/20171021\_222728, Time 01:10*). Lastly, the video shows that as Mr. Fernando Morales was being walked out of the property, Mr. Davila followed, but did so from a distance and was not jumping around or acting erratic (*316 Colorado Ave Berke USB/ch06-020171021-221251-222942-101000000000, Time 10:28:20*).

Officer Cruz stated that Mr. Davila attempted to leave after Officer Mazzacco ordered his arrest, so he "did a leg sweep and took Mr. Davila to the ground (*Page 7, lines 307-8*). The video displays Mr. Davila making no such attempt to leave after Officer Cruz presented him to Officer Mazzacco. The video shows that Officer Cruz was holding onto Davila's shirt, and his left hand grabbed Mr. Davila's left hand, physically turning Mr. Davila around and throwing him to the ground (*316 Colorado Ave Berke USB/ch06-020171021-221251-222942-101000000000, Time 10:28:43-10:28:49*). Officer Cruz also stated that after he and Officer Mirtsopoulos handcuffed Mr. Davila, they stood him up and walked him to a nearby patrol car. Officer Cruz went so far as to give a car number "Blue 13" (*Page 8, Lines 346-7*). Officer Cruz also stated that Mr. Davila gave him no problems while he was walking him to the car. (*Page 9, Lines 369-71*). Officer Cruz stated that he and Officer Mirtsopoulos placed Mr. Davila into the car (*Page 9, Lines 365-7*). Officer Cruz additionally stated that when they arrived at the car, Mr. Davila gave no problems (*Page 9, Lines 373-5*). Officer Cruz also stated that Mr. Davila entered the vehicle on his own (*Page 9, Lines 377-9*). The video, however, shows that Officer Mirtsopoulos walks Mr. Davila out of 316 Colorado Avenue alone (*316 Colorado Ave Berke USB/ch07-20171021-222410-223244-102000000000, Time 10:30:05-10:30:45*).

Officer Cruz stated that during the process of placing, Mr. Davila under arrest, he overheard something about a gun, over his right shoulder, and he believes he observed Officer Adam Szepe and other officers with a party with a gun. Officer Cruz also stated that he looked briefly but did observe that the party (Mr. Carmelo Mendez) "was resisting and they took him down to the ground" (*Page 11, Lines 451-2*). The video, however, shows that Officer Cruz, after dealing with Mr. Davila, rose to his feet and walked further into the rear yard (*Mr. Mendez Cell Phone Extraction/20171021\_222728, Time 02:57*). When Mr. Mendez was taken to the ground, Officer Cruz just turned his back and took a few steps toward the front,

however, worked his way toward where Mr. Mendez was taken down to the ground (316 Colorado Ave Berke USB/ch0620171021-221251-222942-101000000000, Time 10:29:24-10:29:42).

Officer Cruz stated that he did not pull his Taser that evening (Page 17, Lines 758-60). The video, however, shows that Officer Cruz, during the arrest of Mr. Carmelo Mendez, indeed pulled his Taser out, bent over at the waist – apparently ready to deploy it against Mr. Mendez, then quickly re-holster it as other officer got in his way (316 Colorado Ave Berke USB/ch0620171021-222942-224634-101000000000, Time 10:29:44-10:29:47). Officer Cruz stated that he does not recall having walked near or around the officers that were arresting Mr. Mendez (Page 19, Lines 830-33, Page 20, Lines 870-3). The video, however, clearly shows Officer Cruz, after nearly deploying his Taser in Mendez arrest, walks around the group of officers involved in the arrest, at times watching the arrest process, and finally out of camera view towards the rear yard (316 Colorado Ave Berke USB/ch0620171021-222942-224634-101000000000, Time 10:29:44-10:30:12).

## **Conclusion:**

Based on documentation, reports, videos and statements obtained throughout the course of the investigation and after careful and through review, it is concluded that Officer Joseph Cruz violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations:

### **1.1.7.4 USE OF FORCE**

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from apply the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.



## **2. Officer Joseph Cruz**

### **Issue # 2 Truthfulness:**

Upon order of the Chief of Police, the Chief's designee or a superior officer, Officers shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the department that may be asked of them. Violation of this section may be grounds for dismissal. This policy shall not be constructed to mean that officers must divulge the names of informants.

### **Application of Standards:**

As for the sustained violation policy of truthfulness levied against Officer Joseph Cruz in his sworn statement to this investigator Officer Cruz stated the following. That he observed a thin Hispanic male (Mr. Ramon Davila) following Officer Faroni, who was "jumping around and acting erratic, so I stopped him" (*Page 6, Lines 260,1*). Officer Cruz went on to state that he asked Mr. Davila if he was involved in this to which Mr. Davila responded, "No, I'm just trying to leave, I'm just trying to leave" (*Page 7, Lines 294-5*). Officer Cruz continued on stating that he escorted Mr. Davila back into the rear yard where he inquired of Officer Mazzacco as to Mr. Davila's involvement. Officer Cruz furthered that Officer Mazzacco replied yes, and to arrest Mr. Davila, at which time Officer Cruz attempted to place Mr. Davila under arrest. Officer Cruz stated that Mr. Davila again attempted to leave, so he "did a leg sweep and "I took him to the ground." (*Page 7, line 306-308*)

During his statement Officer Cruz was asked, that during the process of placing, Mr. Davila under arrest, he overheard something about a gun, over his right shoulder, and he believes he observed Officer Adam Szeps and other officers with a party with a gun. Officer Cruz also stated that he looked briefly but did observe that the party (Mr. Carmelo Mendez) "was resisting and they took him down to the ground" (*Page 11, Lines 451-2*).

#### **Summary of Surveillance Videos Relative to Officer Cruz's Actions**

During a subsequent review of the surveillance videos that were provided to the Office of Internal Affairs, there were several inconsistencies that were discovered relative the statement provided by Officer Cruz.

Officer Cruz stated that the party that he took into custody was following Officer Faroni, jumping around and acting erratic as Officer Faroni was wheeling Mr. Peter Diaz out of the driveway (*Page 6, Lines 256-61*). The video displays Officer Faroni departing the driveway of 316 Colorado Avenue with Mr. Diaz, and no one was following him (*316 Colorado Ave Berke USB/ ch07-20171021-222410-223244-102000000000, Time 10:28:14*). Additionally, the video footage shows that Mr. Davila was in the rear yard of 316 Colorado Avenue video-taping the events as they unfolded, with a cell phone, and in no way interfered with officers that were on scene (*316 Colorado Ave Berke USB/ch0620171021-221251-222942-101000000000, Time 10:28:11*). The video footage also shows Mr. Davila moving out of police officers' way as they moved about the property (*Mr. Mendez Cell Phone Extraction/20171021\_222728, Time 01:10*). Lastly, the video shows that as Mr. Fernando Morales was being walked out of the property, Mr. Davila followed, but did so from a distance and was not jumping around or acting erratic (*316 Colorado Ave Berke USB/ch06-020171021-221251-222942-101000000000, Time 10:28:20*).

Officer Cruz stated that Mr. Davila attempted to leave after Officer Mazzacco ordered his arrest, so he "did a leg sweep and took Mr. Davila to the ground (*Page 7, lines 307-8*). The video displays Mr. Davila making no such attempt to leave after Officer Cruz presented him to Officer Mazzacco. The video shows that Officer Cruz was holding onto Davila's shirt, and his left hand grabbed Mr. Davila's left hand, physically turning Mr. Davila around and throwing him to the ground (*316 Colorado Ave Berke*

USB/ch06-020171021-221251-222942-101000000000, Time 10:28:43-10:28:49). Officer Cruz also stated that after he and Officer Mirtsopoulos handcuffed Mr. Davila, they stood him up and walked him to a nearby patrol car. Officer Cruz went so far as to give a car number "Blue 13" (Page 8, Lines 346-7). Officer Cruz also stated that Mr. Davila gave him no problems while he was walking him to the car. (Page 9, Lines 369-71). Officer Cruz stated that he and Officer Mirtsopoulos placed Mr. Davila into the car (Page 9, Lines 365-7). Officer Cruz additionally stated that when they arrived at the car, Mr. Davila gave no problems (Page 9, Lines 373-5). Officer Cruz also stated that Mr. Davila entered the vehicle on his own (Page 9, Lines 377-9). The video, however, shows that Officer Mirtsopoulos walks Mr. Davila out of 316 Colorado Avenue alone (316 Colorado Ave Berke USB/ ch07-20171021-222410-223244-102000000000, Time 10:30:05-10:30:45).

Officer Cruz stated that during the process of placing, Mr. Davila under arrest, he overheard something about a gun, over his right shoulder, and he believes he observed Officer Adam Szeps and other officers with a party with a gun. Officer Cruz also stated that he looked briefly but did observe that the party (Mr. Carmelo Mendez) "was resisting and they took him down to the ground" (Page 11, Lines 451-2). The video, however, shows that Officer Cruz, after dealing with Mr. Davila, rose to his feet and walked further into the rear yard (Mr. Mendez Cell Phone Extraction/20171021\_222728, Time 02:57). When Mr. Mendez was taken to the ground, Officer Cruz just turned his back and took a few steps toward the front, however, worked his way toward where Mr. Mendez was taken down to the ground (316 Colorado Ave Berke USB/ch0620171021-221251-222942-101000000000, Time 10:29:24-10:29:42).

Officer Cruz stated that he did not pull his Taser that evening (Page 17, Lines 758-60). The video, however, shows that Officer Cruz, during the arrest of Mr. Carmelo Mendez, indeed pulled his Taser out, bent over at the waist – apparently ready to deploy it against Mr. Mendez, then quickly re-holster it as other officer got in his way (316 Colorado Ave Berke USB/ch0620171021-222942-224634-101000000000, Time 10:29:44-10:29:47). Officer Cruz stated that he does not recall having walked near or around the officers that were arresting Mr. Mendez (Page 19, Lines 830-33, Page 20, Lines 870-3). The video, however, clearly shows Officer Cruz, after nearly deploying his Taser in Mendez arrest, walks around the group of officers involved in the arrest, at times watching the arrest process, and finally out of camera view towards the rear yard (316 Colorado Ave Berke USB/ch0620171021-222942-224634-101000000000, Time 10:29:44-10:30:12).

### **Conclusion:**

Officer Cruz, trusted by the Department and community was less than credible in his testimony beginning with the initial investigation and statements. Compounded when compared with the evidence produced by the video.

The evidence and testimony support the above violations of the Bridgeport Police Department Rules and Regulations brought forward by this undersigned investigator, but most conclusively 1.3.38 (*Truthfulness*).

## **Officer Joseph Cruz**

**1.1.6 Appendix A - Oath of Office**

**1.1.7 Law Enforcement Code of Ethics**

**1.1.7.1 Primary Responsibilities of a Police Officer**

**1.1.7.2 Performance of the Duties of a Police Officer**

**1.1.7.4 Use of Force**

**1.1.7.6 Integrity**

**1.3.4 Knowledge of Department Rules and Regulations**

**1.3.5 Violation of Rules**

**1.3.6 Conformance to Rules/Regulations**

**1.3.12 Incompetence**

**1.3.21 Unbecoming Conduct**

**1.3.34 Departmental Reports / Official Correspondence**

**1.3.38 Truthfulness**

**3.7.1 Use of Force**

**3.7.1.1 Definitions**

## **1. Officer Adam Szeps Issue # 1 Truthfulness:**

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Officer Adam Szeps stated on October 21, 2017, he responded to a call at 316 Colorado Avenue because a 10-32 was called out by units on scene needing help. The issue presented to the Office of Internal Affairs is upon the appearance of Officer Adam Szeps was his Untruthfulness not only in his incident report, but also during his interview which is contradictory to the video, the citizens complaint and recorded sworn statement by Mr. Carmelo Mendez that was provided to this office.

These applicable standards are taken out of the Bridgeport Police Department Police and Procedure Manual:

**1.3.38 Truthfulness** Upon order of the Chief of Police, the Chief's designee or a superior officer, officers shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department that may be asked of them. Violation of this section may be grounds for dismissal. This policy shall not be construed to mean that officers must divulge the names of informants.

**1.1.6 Appendix A - Oath of Office** I do solemnly swear that I will bear truth faith and allegiance to the United States of America and the State of Connecticut, and will support the constitution and the laws thereof, so help me God. I do solemnly swear that I will faithfully and impartially discharge and perform all duties incumbent upon me as a police officer of the City of Bridgeport. I hereby accept the office of Police Officer for the Bridgeport Police Department and agree to obey and be bound by such and regulations as are or may be from time to time, laid down for the government of the Police Department of the City of Bridgeport.

**1.1.7 Law Enforcement Code of Ethics** All law enforcement officers must be fully aware of the ethical responsibilities of their position and must constantly strive to live up to the highest standards of professional policing.

**1.1.7.6 Integrity** A police officer will not engage in acts of corruption or bribery nor will an officer condone such acts by other police officers. The public demands that the integrity of police officers be above reproach. Police officers must therefore avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer refrain from performing official responsibilities honestly and within the law. Police Officers must not receive private or special advantage from their official status. Respect from the public cannot be bought: it can only be earned and cultivated.

**1.3.21 Unbecoming Conduct** Officers shall not engage in any manner of misconduct or offensive behavior that brings the Department into disrepute or that reflects discredit upon the officer as a member of the Department, or that impairs the operation or efficiency of the Department or the officer.

**1.3.34 Departmental Reports / Official Correspondence** 1) Every member of the Department shall, without unnecessary delay, transmit to their superior officer any information of any unusual occurrence, important casualty, serious crime or unsafe condition existing or occurring in the member's presence or which the member is made aware of and shall take proper police action with regard thereto. 2) Officers shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by officers shall be truthful and complete. No officer shall knowingly enter or cause to be entered any inaccurate, false or improper information. 3) Accurate and concise entries shall be made in Department records in chronological order without delay using blue ink. 4) Department reports or forms

should be signed using first full name, middle initial and surname. 5) Corrections on Department records should be made by drawing an ink line through the incorrect information. Enter the correction immediately above and initial the change. 6) No member of the Department shall enter into official Departmental correspondence over the member's signature except in accordance with the administrative orders of the Chief of Police. 7) Numerals should be used when entering dates on Department forms, e.g., 1/1/2000. (Note to reader: the date format used in this manual is dd mmm yy.)

## **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

In his incident report, Officer Szeps explained that as he approached Mendez he told him that he was under arrest and for him to place his hands behind his back. Officer Szeps related that as he reached out to take control of Mendez right arm he swung his arm back and said, "get the fuck off me!" Officer Szeps reported that he took Mendez to the ground due to his level of violence which combined with his intoxication was now an Officer safety issue.

During his interview, Officer Szeps expressed that Carmelo Mendez caught his attention because he was yelling and swearing and indicated that when Officer Hugo Stern told him that it was time to go, he observed Officer Stern placed his arm under Carmelo Mendez's elbow and Mr. Mendez told them, "Fuckin' cops. Fuck you." Officer Szeps believed that when Mr. Mendez thrust his arm up away from Officer Stern, he thought that it was an attempt to strike him.

Officer Szeps claimed that when he stepped in, he told Carmelo Mendez, "Now it's time to go. You're under arrest. Come here", and that Mr. Mendez replied by saying, "No. Fuck you." Officer Szeps also contended that when he went to put his arms on Carmelo Mendez he pulled away from him and he reacted by immediately bringing Carmelo Mendez to the ground.

Upon reviewing the video footage provided by Carmelo Mendez from his cell phone, which captures the moment Officer Stern makes contact with him to the moment he is brought to the ground, at no time was Carmelo Mendez yelling or swearing at the officers. Once Officer Stern makes contact with him, Carmelo Mendez tells Officer Stern not to touch him. Officer Stern does tell him several times to "Let's Go" and that the party is over.

At no point in time before Officer Szeps makes contact with Carmelo Mendez does he swing his arms out and tell him, "Get the Fuck off me" or does Officer Szeps tell him that he is under arrest or to put his hands behind his back. Furthermore, Carmelo Mendez is not heard saying in the video, "Fuckin' cops. Fuck you" to him or anyone else as claimed by Officer Szeps. The video does show Officer Szeps tell Carmelo Mendez that he "is going" at which time Carmelo Mendez is brought to the ground and the camera goes blurry. Based on all documentation, reports, video, and signed sworn statements, Officer Adam Szeps report and statement are contradictory to what the video shows and what actually occurred regarding this incident. Additionally, Officer Szeps was aware of this information and engaged in the inaccurate reporting of this incident which beyond a doubt is inconsistent with his true observation, violating policies **1.3.34 Departmental Reports / Official Correspondence / 1.3.38 Truthfulness.**

These actions by Officer Szeps undercut Public Confidence, as well as, his inherent duty to be impartial. Having determined that Officer Szeps violated the Department Rules of 1.3.34 and 1.3.38, based on factual information additionally substantiates a basis for being in violation of Department Rules **1.1.7.6 Integrity / 1.1.6 Appendix A - Oath of Office / 1.1.7 Law Enforcement Code of Ethics.**

After careful review of all paperwork, documents and information made available from the initial stages of this investigation to its conclusion, this office has substantiated Officer Szeps to have violated policy ***1.3.21 Unbecoming Conduct.***

### **Conclusion:**

Based on all documentation and reports obtained throughout the course of the investigation and after careful and through review, it is concluded that Officer Adam Szeps violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations.

## **2. Officer Adam Szeps**

### **Issue # 2 Failure to Provide Medical Attention:**

Officer Adam Szeps stated on October 21, 2017, he responded to a call at 316 Colorado Avenue because a 10-32 was called out by units on scene needing help. The issue presented to the Office of Internal affairs specifically concerning Officer Adam Szeps is that as the arresting Officer of Carmelo Mendez, who was clearly injured as a result of such arrest, is if his failure to provide medical attention was within clearly established policies/procedures and legal standards set forth by the Bridgeport Police Department.

### **Applicable Standards:**

These applicable standards are taken out of the Bridgeport Police Department Police and Procedure Manual:

**1.1.7.1 Primary Responsibilities of a Police Officer** A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace, and ensuring the rights of all to liberty, equality and justice.

**1.1.7.2 Performance of the Duties of a Police Officer** A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally and with courtesy, consideration and dignity. Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust that they hold.

**1.3.4 Knowledge of Department Rules and Regulations** 1) Members of the Department shall familiarize themselves with these rules and regulations and each member shall conform to and abide by the same. 2) These rules are a basis for action and are not meant to be all-inclusive. No member of the Department will be excused from action in accordance with sound judgment merely because a situation is not covered by a rule. 3) All members of the Department shall read and know the contents of all official bulletins, memos, notices and other matter that are posted on the Department bulletin boards or officially distributed within the Department. 4) In case of doubt concerning the application of any rule, regulation, order or directive, the member affected shall promptly consult with his immediate superior for clarification.

**1.3.5 Violation of Rules** Officers shall not commit any acts that constitute a violation of the rules, regulations, directives, or orders of the Department whether or not stated in this manual. Rules, regulations, directives, or other orders shall be posted at area commands, in bureaus and divisions, as well as other departmental areas that are deemed appropriate. Any superior officer of the Department who observes any subordinate violating any rule or regulation and fails to take proper corrective action, shall be in violation of these rules.

**1.3.6 Conformance to Rules/Regulations** All members of the Department shall be subject to and shall obey all rules and regulations, orders, instructions or requirements, whether mentioned in regard to a specific assignment or rank, or in the General Regulations, or emanating from a competent authority from time to time, insofar as may be applicable.

**1.3.12 Incompetence** An Officer shall maintain competency to perform his duty and to assume the responsibility of his position. Incompetence may be deemed by demonstrating the following but is not limited to: 1. A lack of knowledge of the application of laws that are required to be enforced 2. An unwillingness or inability to perform assigned tasks. 3. A failure to conform to work standards established for the officer's rank, grade or position. 4. Repeated poor evaluations or repeated infractions of the rules and regulations.

**3.7.3.9.3 Physically Injured or Ill Prisoners** Prisoners requiring immediate medical treatment will be transported from the scene to the hospital via ambulance or police cruiser depending upon the seriousness of the injury.

## **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

In his incident report, Officer Szeps noted that after the weapon was seized from Carmelo Mendez he continued to resist heavily and that he struck Carmelo Mendez multiple times in the back in an attempt to roll him onto his stomach and apply handcuffs to end the situation.

During his interview, Officer Szeps indicated that in the fight to get Carmelo Mendez contained, he hit him multiple times in the back and at least twice in the face to get control of his arms. Officer Szeps stated that he had not observed any injuries on Carmelo Mendez prior to being placed under arrest, however, he revealed that he observed dried blood above his eye before placing him in the Police vehicle. Officer Szeps stated that he did not see any swelling on Mr. Mendez nor did he complain of any injuries and acknowledged that the arrest of Carmelo Mendez was his arrest.

The sworn statement provided by Officer Szeps appeared to be a contradiction to the sworn statement provided by Officer Daniel O'Brien who was one of the last officers to arrive on scene. Officer O'Brien in his statement stated among other things that when he arrived on scene he observed one prisoner in someone's car. He did not know who it was, but that he appeared to have a cut across his forehead and someone had said a weapon had been recovered. (Page 3, line 107-109)

Officer O'Brien stated there was officers everywhere and there were people everywhere on both sides of the street. He said he saw one person in custody and he had a cut on his forehead and he believed it was Officer Szeps that had a firearm that had been recovered but he did not know the facts and circumstances of that. (Page 4, line 175-178)

Officer O'Brien stated Officer Szeps was telling, he believes Officer Stern that the firearm had been recovered. (Page 5, line 190-192)

Officer O'Brien stated the one party he saw in custody with a cut on his forehead in the back of a vehicle was stating something to the effect that he dropped his cell phone. Officer O'Brien stated he guessed he was the one that had the firearms. (Page 8, line 317-320)

Based on the statement provided by Officer O'Brien and knowing based on the video from 316 Colorado Avenue where Mr. Mendez dropped his cell phone while being taken in to custody, and the injuries sustained by Mr. Mendez during this incident it appears Officer O'Brien is talking about Mr. Carmelo Mendez who is in fact the only individual that received the injury described.



Also, being that Officer O'Brien describing himself as possibly being that last unit to arrive on scene and immediately observing the injuries to Mr. Mendez, it is difficult to believe that Officer Szeps who assisted picking up Mr. Mendez from the ground and escorted him to the Police vehicle did not see the injuries sustained by Mr. Mendez.

The sworn statement provided by Officer Szeps appeared to be a contradiction to the sworn statement provided by Officer Andrew Christie who was also one of the last officers to arrive on scene. Officer Christie in his statement stated among other things that he described the scene upon his arrival as slightly chaotic, but it appeared as if everything was coming to an end, and the officers appeared to be safe. Officer Christie stated that he believes that he was the last car to arrive. Officer Christie continued, stating that he saw and spoke with Officer Stern, who had a prisoner in his car. Officer Christie also stated that he recognized the prisoner in Officer Stern's car as someone that he had a previous call for service with.

Officer Christie stated that he could observe that the party in Officer Stern's vehicle he recognized from a previous call, was visibly injured and was bleeding from a cut on his forehead. (Page 12, line 496-520)

Based on the statement provided by Officer Christie and knowing based on the video from 316 Colorado Avenue where Mr. Mendez sustained his injuries during this incident it appears Officer Christie is talking about Mr. Carmelo Mendez who is in fact the only individual that received the injury described.

Also, being that Officer Christie also describing himself as possibly being that last unit to arrive on scene and immediately observing the injuries to Mr. Mendez, it is difficult to believe that Officer Szeps who assisted picking up Mr. Mendez from the ground and escorted him to the Police vehicle did not see the injuries sustained by Mr. Mendez.

### **Applicable Standards:**

It should be noted that Carmelo Mendez suffered significant injuries to the left of his temple area which later caused him to collapse while at Booking. The injuries were clearly visible when Carmelo Mendez is brought to Booking which should have been treated immediately. Based on all documentation, reports, and signed sworn statements Carmelo Mendez clearly required medical attention and should have been transported to the Hospital from the scene, Officer Szeps is in violation of policies: **3.7.3.9.3 Physically Injured or Ill Prisoners / 1.3.4 Knowledge of Department Rules and Regulations / 1.3.5 Violation of Rules / 1.3.6 Conformance to Rules/Regulations**

The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace, and ensuring the rights of all to liberty, equality and justice. Therefore, this office has substantiated Officer Szeps to have violated policies **1.1.7.1 Primary Responsibilities of a Police Officer / 1.1.7.2 Performance of the Duties of a Police Officer.**

Having determined that Officer Szeps violated the aforementioned policies and procedures based on factual information, additionally substantiates a basis for violations of **1.3.12 Incompetence**. By failure to provide medical attention to Carmelo Mendez, Officer Szeps failed to maintain competency to perform his duty and to assume the responsibility of his position.

### **Conclusion:**

Based on all documentation and reports obtained throughout the course of the investigation and after careful and thorough review, it is concluded that Officer Adam Szeps violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations.

## **Officer Adam Szepe:**

**1.1.6 Appendix A - Oath of Office**

**1.1.7 Law Enforcement Code of Ethics**

**1.1.7.1 Primary Responsibilities of a Police Officer**

**1.1.7.2 Performance of the Duties of a Police Officer**

**1.1.7.6 Integrity**

**1.3.4 Knowledge of Department Rules and Regulations**

**1.3.5 Violation of Rules**

**1.3.6 Conformance to Rules/Regulations**

**1.3.12 Incompetence**

**1.3.21 Unbecoming Conduct**

**1.3.34 Departmental Reports / Official Correspondence**

**1.3.38 Truthfulness**

**3.7.3.9.3 Physically Injured or Ill Prisoners**

## **1. Detective Kenneth Fortes**

### **Issue # 1 Truthfulness:**

7

Detective Kenneth Fortes stated that on October 21, 2017, he responded to a call at 316 Colorado Avenue because a 10-32 (Officer Needs Assistance) was called out by units on scene needing help. The issue presented to the Office of Internal Affairs is upon the appearance of Detective Kenneth Fortes is his "Untruthfulness" not only in his incident report, but also during his interview.

### **Applicable Standards:**

These applicable standards are taken out of the Bridgeport Police Department Police and Procedure Manual:

**1.1.6 Appendix A - Oath of Office** I do solemnly swear that I will bear truth faith and allegiance to the United States of America and the State of Connecticut, and will support the constitution and the laws thereof, so help me God. I do solemnly swear that I will faithfully and impartially discharge and perform all duties incumbent upon me as a police officer of the City of Bridgeport. I hereby accept the office of Police Officer for the Bridgeport Police Department and agree to obey and be bound by such and regulations as are or may be from time to time, laid down for the government of the Police Department of the City of Bridgeport.

**1.1.7 Law Enforcement Code of Ethics** All law enforcement officers must be fully aware of the ethical responsibilities of their position and must constantly strive to live up to the highest standards of professional policing.

**1.1.7.1 Primary Responsibilities of a Police Officer** A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace, and ensuring the rights of all to liberty, equality and justice.

**1.1.7.2 Performance of the Duties of a Police Officer** A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally and with courtesy, consideration and dignity. Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust that they hold.

**1.1.7.6 Integrity** A police officer will not engage in acts of corruption or bribery nor will an officer condone such acts by other police officers. The public demands that the integrity of police officers be above reproach. Police officers must therefore avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer refrain from performing official responsibilities honestly and within the law. Police Officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

**1.3.21 Unbecoming Conduct** Officers shall not engage in any manner of misconduct or offensive behavior that brings the Department into disrepute or that reflects discredit upon the officer as a member of the Department, or that impairs the operation or efficiency of the Department or the officer.

**1.3.38 Truthfulness** Upon order of the Chief of Police, the Chief's designee or a superior officer, officers shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department that may be asked of them. Violation of this section may be grounds for dismissal. This policy shall not be construed to mean that officers must divulge the names of informants.

## **Application of Standards:**

As for the sustained violation policy of truthfulness levied against Detective Kenneth Fortes is his documentation in his incident report that, "That the officers had his arms and back and were rapidly losing control of him as he struggled, and the entire group was heading towards him, and his knees, as he was walking to the backyard." According to Detective Fortes, it was then that he heard the suspect say, "***Damn right I've got a gun!***" Later in his incident report, Detective Fortes states that while he was on the ground, he heard an officer yell, "He's got a gun!"

During his sworn statement to this investigator, Detective Fortes stated during the interview that when Carmelo Mendez was standing and before he was taken to the ground, he heard him saying, "***Damn right. I got a gun.***" (Fortes 819-820) Detective Fortes also confirms in his interview that he heard an officer yelling, "He's got a gun" after the mentioned statement was made.

By reviewing this video footage provided by Carmelo Mendez at no time before he is taken to the ground does Carmelo Mendez at any time say, "Damn right. I got a gun." This is also not documented or reported by any other officer that had direct involvement in the incident involving Carmelo Mendez. The Office of Internal Affairs acknowledges that based on the information and documentation obtained relating to Detective Kenneth Fortes incident report and sworn statement, as well as a careful and thorough review of the video evidence obtained to this point, this office as well as any reasonable person could logically conclude that Detective Kenneth Fortes willfully and knowingly violated Department policies: ***This is violation of 1.3.38 Truthfulness.***

Additionally, Detective Fortes was aware of this information and engaged in the inaccurate reporting of this incident which beyond a doubt is inconsistent with his true facts of the incident, thus violating policies ***1.1.6 Appendix A – Oath of Office / 1.1.7 Law Enforcement Code of Ethics / 1.1.7.6 Integrity***

These actions by Detective Kenneth Fortes undercut Public Confidence, as well as, his inherent duty to be impartial. Having determined that Detective Fortes violated the Department Rules of ***1.3.38, 1.1.7.6 and 1.1.7***, based on factual information additionally substantiates a basis for being in violation of Department Rules ***1.1.7.1 Primary Responsibilities of a Police Officer / 1.1.7.2 Performance of the duties of a Policier***

After careful review of all paperwork, documents and information made available from the initial stages of this investigation to its conclusion, this office has substantiated Detective Kenneth Fortes to have violated policy ***1.3.21 Unbecoming conduct.***

### **Conclusion:**

The Office of Internal Affairs concludes the following information to be factual based on information that was corroborated and found to be true, accurate and credible. Detective Kenneth Fortes, an experienced Police Officer, trusted by the Department and community was less than credible in his testimony beginning with the initial investigation and it is compounded when compared with the report and statement provided by him during the investigation.

## **2. Detective Kenneth Fortes Issue # 2 Reporting:**

Detective Kenneth Fortes stated on October 21, 2017, he responded to a call at 316 Colorado Avenue because a 10-32 (Officer needs assistance) was called out by units on scene needing help. The issue presented to the Office of Internal affairs specifically concerning Detective Kenneth Fortes is whether his reporting duties as a result of his Use of Force used with Carmelo Mendez was within clearly established policies/procedures and legal standards set forth by the Bridgeport Police Department.

### **Applicable Standards:**

These applicable standards are taken out of the Bridgeport Police Department Police and Procedure Manual:

**1.3.34 Departmental Reports / Official Correspondence** 1) Every member of the Department shall, without unnecessary delay, transmit to their superior officer any information of any unusual occurrence, important casualty, serious crime or unsafe condition existing or occurring in the member's presence or which the member is made aware of and shall take proper police action with regard thereto. 2) Officers shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by officers shall be truthful and complete. No officer shall knowingly enter or cause to be entered any inaccurate, false or improper information. 3) Accurate and concise entries shall be made in Department records in chronological order without delay using blue ink. 4) Department reports or forms should be signed using first full name, middle initial and surname. 5) Corrections on Department records should be made by drawing an ink line through the incorrect information. Enter the correction immediately above and initial the change. 6) No member of the Department shall enter into official Departmental correspondence over the member's signature except in accordance with the administrative orders of the Chief of Police. 7) Numerals should be used when entering dates on Department forms, e.g., 1/1/2000. (Note to reader: the date format used in this manual is dd mmm yy.)

**1.3.4 Knowledge of Department Rules and Regulations** 1) Members of the Department shall familiarize themselves with these rules and regulations and each member shall conform to and abide by the same. 2) These rules are a basis for action and are not meant to be all-inclusive. No member of the Department will be excused from action in accordance with sound judgment merely because a situation is not covered by a rule. 3) All members of the Department shall read and know the contents of all official bulletins, memos, notices and other matter that are posted on the Department bulletin boards or officially distributed within the Department. 4) In case of doubt concerning the application of any rule, regulation, order or directive, the member affected shall promptly consult with his immediate superior for clarification.

**1.3.5 Violation of Rules** Officers shall not commit any acts that constitute a violation of the rules, regulations, directives, or orders of the Department whether or not stated in this manual. Rules, regulations, directives, or other orders shall be posted at area commands, in bureaus and divisions, as well as other departmental areas that are deemed appropriate. Any superior officer of the Department who observes any subordinate violating any rule or regulation and fails to take proper corrective action, shall be in violation of these rules.

**1.3.6 Conformance to Rules/Regulations** All members of the Department shall be subject to and shall obey all rules and regulations, orders, instructions or requirements, whether mentioned in regard to a specific assignment or rank, or in the General Regulations, or emanating from a competent authority from time to time, insofar as may be applicable.

**1.3.12 Incompetence** An Officer shall maintain competency to perform his duty and to assume the responsibility of his position. Incompetence may be deemed by demonstrating the following but is not limited to: 1. A lack of knowledge of the application of laws that are required to be enforced 2. An unwillingness or inability to perform assigned tasks. 3. A failure to conform to work standards established for the officer's rank, grade or position. 4. Repeated poor evaluations or repeated infractions of the rules and regulations.

## **Report**

Dr. James Nardoizzi, former Assistant Chief of Police for the City of Bridgeport authored the following report which was implemented to all sworn members regarding the Use of force.

1. If you use force in your capacity as a sworn member of the Bridgeport Police Department, a use of force investigation must be commenced by a Bridgeport Police supervisor and a Use of force Report completed;
2. It does not matter if you were on-or off duty when you used force in your capacity as a sworn member of the Bridgeport Police Department;
3. Your current assignment, post, rank, or membership on a local, state, or federal task force at the time force was used does not alleviate the requirements of a use of force investigation being conducted by a Bridgeport police supervisor and the completion of a Bridgeport Police Department Use of force Report.
4. If you use force in your capacity as a sworn member of the Bridgeport Police Department outside of our jurisdiction, i.e. you make an out of town arrest involving force, a Bridgeport Police supervisor needs to conduct a use of force investigation and a Bridgeport Police Department Use of Force Report must be completed.

This information does not supersede our current Use of Force policy, it is simply meant to clarify questions and concerns that have risen up thru the chain of command.

Any further questions should be directed to your immediate supervisor.

**Departmental Memos:**

### **DEPARTMENTAL MEMO BRIDGEPORT POLICE DEPARTMENT 15-0006**

TO: ALL COMMANDS  
FROM: CHIEF JOSEPH L. GAUDETT, JR  
RE: USE OF FORCE REPORTS  
DATE: FEBRUARY 4, 2015

Pursuant to the Police Officers Standards and Training Council General Notice 14-02, The Bridgeport Police Department has adopted the State of Connecticut's Police Officer Standards and Training Council's Model Use of Force Report, effective immediately.

The Use of Force Report as outlined in Policy, 3.7.1. and the Department's O.C. Spray reporting form shall no longer be used.

All Uses of Force including O.C. Spray, Conducted Electrical Weapons (TASER) etc. shall be recorded on the newly adopted form.

The form has been made available on the "J" Drive as well as Booking and Day Room computers. The Form is labeled "Use of Force Report-CT". In addition, a copy of the newly adopted form is attached to this memorandum. Discontinue any use of the old Use of Force forms.

Supervisors shall insure compliance with this directive.

The use of the newly adopted form in no way changes officers or supervisor's responsibility as it pertains to reporting and investigative requirements in instances where force has been used.

All Department members shall comply with the following:

**3.7.1.17 Situations Requiring A Use of Force Report:** The Use of Force Report procedure will be completed whether or not an arrest is made and under the following circumstances (a sample Use of Force Report is available in § 3.7.1.25 below): 1) When any officer purposely strikes either with body parts (feet, hands, knees) or striking instrument, any person during the performance of the officer's duties. 2) When scuffling or grappling with an arrestee or person under lawful detention and using any degree of force or physical restraint greater than the mere guiding, holding or handcuffing of someone. 3) When an officer causes an injury or there is a complaint of injury from a person as a result of any physical confrontation. 4) When an officer uses the authorized Departmentally issued chemical irritant spray, A Use of OC Form must be completed. (Note: An entire Use of Force Report is not necessary under these circumstances.)

#### **Memo**

#### **DEPARTMENTAL MEMO BRIDGEPORT POLICE DEPARTMENT 17-0113**

TO: ALL COMMANDS  
FROM: CHIEF AMANDO J. PEREZ  
RE: New Use of Force Forms (Supervisors)  
DATE: February 23, 2017

The Department has updated the **Supervisory Use of Force Cover Report**. This Cover Sheet will be utilized as the cover page to all Use of Force packages throughout the department. This form has been placed on the J: Drive in the **Dept Forms** folder under the **Patrol** subfolder.

The investigation guide will no longer be submitted with the use of force package. This form has been placed on the J: Drive in the **Dept Forms** folder under the **Use of Force** subfolder.

Supervisors will respond to all situations requiring use of force, investigate the use of force on scene, ensuring medical attention is received and taking photos of any injuries. Supervisors will document this on page three of the State Use of Force report under the **Patrol Supervisor** section and check the appropriate box and fill out the mandatory comments section.

The UOF Package shall consist of the following:

1. Three-page State UOF form with Supervisor Comments (3.7.1.21)
2. Incident reports, supplemental reports
3. EDW download (3.7.2.5) & (3.7.2.6)
4. Pictures of Injuries (3.7.1.19)
5. Supervisory Use of Force Cover Report



The UOF Package shall be forwarded to the Lieutenant within 24 hours  
{Attached is the Supervisory Use of Force Cover Report and the State of Connecticut – Police Officer Standards and Training Council Use of Force report}.

### **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

Detective Fortes related that during the arrest of Carmelo Mendez he seized Officer Bobby Hernandez's baton, extended it, and placed it in between the suspect's arm and his body, and used it to pry and control the suspects left arm as per his training received in L.O.C.K.U.P. techniques. Detective Fortes believed that his control maneuvers were affective in gaining control of the suspect.

According to Detective Fortes, once Carmelo Mendez was handcuffed he returned the baton to Officer Hernandez, he stayed on scene in case his assistance was needed. Based on all documentation, reports, video, and signed sworn statements and since Detective Kenneth Fortes used a degree of force or physical restraint that was greater than the mere guiding, holding or handcuffing of someone, it was his duty to complete a Use of Force report in a timely fashion so that Sergeant Delgado could be in compliance with "*Memo # 17-0113.*" The memo requires sergeants to turn in their Use of Force package within twenty-four hours to their Lieutenant. On the contrary, Detective Kenneth Fortes did not complete his Use of Force report regarding this incident until 10/25/18 which is 4 days after incident. In addition, Detective Fortes is not only a Use of Force instructor, but also an Use of Less Lethal Force Instructor in the use of baton whom should have known that his actions required documentation per the department's policy.

The Office of Internal Affairs acknowledges that based on the information and documentation obtained relating to Detective Kenneth Fortes sworn statement, as well as a careful and thorough review of the video evidence obtained to this point, this office as well as any reasonable person could logically conclude that Detective Kenneth Fortes willfully and knowingly violated Department policies: *1.3.34 Department Reports / Official Correspondence*, and *3.7.1.17 Situations Requiring A Use of Force Report*:

All indications of material evidence, statements, reports and documentation clearly further substantiate a violation of *1.3.4 Knowledge of Department Rules and Regulations / 1.3.5 Violation of Rules / 1.3.6 Conformance to Rules/Regulations*

Having determined that Detective Fortes violated the aforementioned policies and procedures based on factual information, additionally substantiates a basis for violations of *1.3.12 Incompetence*. By his failure to complete a Use of Force package for the incident on time, Detective Fortes failed to maintain competency to perform his duty and to assume the responsibility of his position.

### **Conclusion:**

Based on all documentation and reports obtained throughout the course of the investigation and after careful and through review, it is concluded that Detective Kenneth Fortes violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations.

## **Detective Kenneth Fortes:**

**1.1.6 Appendix A – Oath of Office**

**1.1.7 Law Enforcement Code of Ethics**

**1.1.7.1 Primary Responsibilities of a Police Officer**

**1.1.7.2 Performance of the Duties of a Police Officer**

**1.1.7.6 Integrity**

**1.3.4 Knowledge of Department Rules and Regulations**

**1.3.5 Violation of Rules**

**1.3.6 Conformance to Rules/Regulations**

**1.3.12 Incompetence**

**1.3.21 Unbecoming Conduct**

**1.3.34 Departmental Reports / Official Correspondence**

**1.3.38 Truthfulness**

**3.7.1.17 Situations Requiring A Use of Force Report**

## **1. Lieutenant Robert Sapiro: Issue # 1 Failure to Supervise/Failure to Act**

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On October 21, 2017 Lieutenant Robert Sapiro was the only Lieutenant on duty assigned to "C" shift patrol and therefore he was the Officer in Charge for the City. The issue presented to the Office of Internal Affairs is whether Lieutenant Sapiro adequately commanded his staff. Lieutenant Sapiro made a conscious decision to refrain from providing direction and leadership to officers engaged in acting outside of department policy and procedures.

### **Application Standards:**

#### ***1.3.3.4 OFFICER IN CHARGE***

The ranking officer on-duty in any division, bureau, or unit is defined as the officer in charge. The responsibilities and powers of the same as those of commanding officers. While officers in charge will refrain from setting policy, they will ensure that the policies and orders of commanding officers are followed and obeyed.

***1.2.21 SUPERVISOR ACCOUNTABILITY*** All supervisory personnel shall be held accountable for the performance of employees under their immediate control.

***1.3.3.5 SUPERVISING OFFICER*** A supervising officer is one who, through rank or appointment, is responsible for the actions of one or more subordinates. Supervising officers personally observe the work and actions of those subordinates for whom they are responsible and react accordingly to the needs of commendation, training or correction.

### **Application of Standards:**

Lieutenant Sapiro stated that he did not know what Sergeant Scillia's function was at 316 Colorado Avenue, nor did he see any supervisors engaged in any activity while there. Lieutenant Sapiro also stated that he is not aware if any photographs were taken of the injured parties, nor did he know if they were interviewed separately or not.

Lieutenant Sapiro was seen entering the incident location and as officers took Mr. Mendez to the ground and instead of taking control of the incident, he chose to turn his back and not intervene. Lieutenant Sapiro in his statement stated he had a conversation with Sergeant Waehler and Sergeant Scillia after the incident but cannot recall what was said. Lieutenant Sapiro was on scene when Mr. Mendez was taken down and arrested by officers and sustained injuries to his head and face, stated he did not observe injuries to Mr. Mendez until he arrived in Booking.

Based on the video from 316 Colorado Avenue (video name: 10-21-17 316 Colorado Avenue Berke USB Ch.06) captured Lieutenant Sapiro walking onto the property at 10:29:46 and he looks three times at the officers taking Mr. Mendez into custody on the ground to his left. Lieutenant Sapiro continues to walk further into the rear yard out of view of the video camera turning his back to the incident, completely ignoring what is taking place with the officers and Mr. Mendez. Lieutenant Sapiro is again seen on video returning from the rear yard back into the view of the camera at 10:31:20. At this time multiple officers had already exited the property to include Mr. Mendez who sustained serious injuries to his head while being taken into custody.

When questioned about a conversation with Sergeant Delgado in Booking, Lieutenant Sapiro stated that he does not remember making any type of motion with his fist that resembled punching towards the air, nor did he remember talking to Sergeant Delgado about any specific actions by any officer.

Lieutenant Sapiro stated that he did speak with Officer Szeps in the report writing room probably with respect to the gun but could not remember the details of the conversation.

### **Conclusion:**

Based on all documentation and reports obtained during the course of the investigation and after careful and through review, it is concluded that Lieutenant Robert Sapiro violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations:

### **Lieutenant Robert Sapiro**

#### **1.1.6 Appendix A – Oath of Office**

#### **1.1.7 Law Enforcement Code of Ethics**

##### **1.1.7.1 Primary Responsibilities of a Police Officer**

##### **1.1.7.2 Performance of the Duties of a Police Officer**

##### **1.1.7.6 Integrity**

#### **1.2.18 Authority and Responsibility**

#### **1.2.21 Supervisor Accountability**

#### **1.3.3.4 Officer in Charge**

#### **1.3.3.5 Supervising Officer**

#### **1.3.4 Knowledge of Department Rules and Regulations**

#### **1.3.5 Violation of Rules**

#### **1.3.6 Conformance to Rules/Regulations**

#### **1.3.12 Incompetence**

#### **1.3.21 Unbecoming Conduct**

## **1. Sergeant Mark Belinkie: Issue # 1 Failure to Supervise**

9

On October 21, 2017 Sergeant Mark Belinkie was the on duty Booking Sergeant assigned to "C" shift Booking. The issue presented to the Office of Internal Affairs is whether Sergeant Mark Belinkie adequately commanded Booking, properly reported this incident to his supervisor and or violated Policies/Procedures set forth within the Bridgeport Police Department.

### **Applicable Standards:**

#### **1.2.21 Supervisor Accountability**

All supervisory personnel shall be held accountable for the performance of employees under their immediate control.

#### **1.3.3.5 Supervising Officer**

A supervising officer is one who, through rank or appointment, is responsible for the actions of one of more subordinates. Supervising officers personally observe the work and actions of those subordinates for whom they are responsible and react accordingly to the needs of commendation, training or correction.

### **Application of Standards:**

Sergeant Belinkie observed that the prisoner was now being dragged up the Booking ramp by his shirt towards the door. Sergeant Belinkie stopped the Officer and questioned him as to why he was dragging the prisoner. The Officer responded that the prisoner refused to get out of the car. Sergeant Belinkie stated he told the Officer "by doing this you know and you be aware you're going to have write what you are doing and that you have to have a good reason." (Page 9, line 391-397) Sergeant Belinkie then instructed the Officer to stop and stand the prisoner up at which time the prisoner, who stated he had pins in his leg, hopped into Booking on one leg. Sergeant Belinkie informed the Officer that a written report would be required explaining the dragging incident.

It is established that Sergeant Belinkie was the on-duty Sergeant in Booking who has the responsibilities to render medical attention to injured prisoners. Sergeant Belinkie observed that a prisoner was being dragged up the Booking ramp. Sergeant Belinkie told the Officer you're going to have write what you are doing and have a good reason for dragging a prisoner up the ramp. Only after being told by the prisoner he had pins in his leg Sergeant Belinkie instructed the Officer to stop, stand the prisoner up and allowed the prisoner to hop into Booking on one leg.

Sergeant Belinkie did not wait for proper relief from the sergeant on the next shift before ending his shift. Sergeant Belinkie did not adequately notify his Commanding Officer relative to the interactions with a handcuffed prisoner. Sergeant Belinkie is therefore in direct violation of Department Policy 1.2.21 Supervisor Accountability, and 1.3.3.5 Supervising Officer.

Sergeant Belinkie chose to transfer his authority to Sergeant Paul Scillia who at the time Sergeant Belinkie assumed was on scene in Booking. Note: Sergeant Scillia was directly involved in the incident at 316 Colorado Avenue.

Knowing this incident was an unusual occurrence Sergeant Belinkie failed to notify his commander, the Office of Internal Affairs or the Chief of Police. Sergeant Belinkie failed to adequately supervise officers at Booking.

## **Conclusion:**

Based on all documentation and reports obtained during the course of the investigation and after careful and through review, it is concluded that Sergeant Mark Belinkie violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations:

### **Sergeant Mark Belinkie**

- 1.1.6 Appendix A – Oath of Office
- 1.1.7 Law Enforcement Code of Ethics
  - 1.1.7.1 Primary Responsibilities of a Police Officer
  - 1.1.7.2 Performance of the Duties of a Police Officer
- 1.2.18 Authority and Responsibility
- 1.2.21 Supervisor Accountability
- 1.3.3.5 Supervising Officer
- 1.3.4 Knowledge of Department Rules and Regulations
- 1.3.5 Violation of Rules
- 1.3.6 Conformance to Rules/Regulations
- 1.3.9 Neglect of Duty
- 1.3.12 Incompetence
- 1.3.21 Unbecoming Conduct
- 1.3.29 Public Contact
- 3.8.2 Policy Holding Facility

## **2. Sergeant Mark Belinkie: Issue # 2 Failure to Render Medical Attention**

On October 21, 2017 Sergeant Mark Belinkie was the on duty Booking Sergeant assigned to "C" shift Booking. The issue presented to the Office of Internal Affairs is whether Sergeant Mark Belinkie adequately commanded Booking, properly reported this incident to his supervisor and or violated Policies/Procedures set forth within the Bridgeport Police Department.

### **Applicable Standards:**

**3.7.3.9.3 Physically Injured or Ill Prisoners** requiring immediate medical treatment will be transported from the scene to the hospital via ambulance or police cruiser depending upon the seriousness of the injury.

### **Application of Standards:**

Sergeant Belinkie observed that the prisoner was now being dragged up the Booking ramp by his shirt towards the door. Sergeant Belinkie stopped the Officer and questioned him as to why he was dragging the prisoner. The Officer responded that the prisoner refused to get out of the car. Sergeant Belinkie then instructed the Officer to stop and stand the prisoner up at which time the prisoner, who stated he had pins in his leg, hopped into Booking on one leg.

It is established that Sergeant Belinkie was the on-duty sergeant in Booking who has the responsibilities to render medical attention to injured prisoners. Sergeant Belinkie observed that a prisoner was being dragged up the Booking ramp. Only after being told by the prisoner he had pins in his leg Sergeant Belinkie instructed the Officer to stop, stand the prisoner up and allowed the prisoner to hop into Booking on one leg.

Sergeant Belinkie failed to notify his commander, the Office of Internal Affairs or the Chief of Police. Sergeant Belinkie failed to assure the injured prisoner received proper medical attention.

### **Conclusion:**

Based on all documentation and reports obtained during the course of the investigation and after careful and through review, it is concluded that Sergeant Mark Belinkie violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations:

## **Sergeant Mark Belinkie**

**1.1.6 Appendix A – Oath of Office**

**1.1.7 Law Enforcement Code of Ethics**

**1.1.7.1 Primary Responsibilities of a Police Officer**

**1.1.7.2 Performance of the Duties of a Police Officer**

**1.2.18 Authority and Responsibility**

**1.3.4 Knowledge of Department Rules and Regulations**

**1.3.5 Violation of Rules**

**1.3.6 Conformance to Rules/Regulations**

**1.3.7 Conformance to Laws**

**1.3.12 Incompetence**

**1.3.44 Other Prohibited Conduct**

**3.7.3.9.3 Physically Injured or Ill Prisoners**



## **1. Detention Officer Jose Figueroa: Issue # 1 Use of Force:**

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Detention Officer Figueroa stated on October 21, 2017 when he arrived to work, Booking was in an uproar. Detention Officer Figueroa stated he went to assist with another prisoner transport to the hospital which was in cell #7 by the name of Peter Diaz who had an injured leg. He stated he took him out and sat him in a chair and said, "I gotta try to put these leg irons on your legs." Detention Officer Figueroa stated Peter Diaz looked at him and said, "Why don't you just wrap that chain around your wife's pussy?" (*Page 8, line 39-41*) The issue presented to the Office of Internal Affairs is whether the amount of force in this incident applied by Detention Officer Figueroa was reasonable and based on the facts known to Detention Officer Figueroa at the time of the occurrence and within clearly established policies/procedures, and legal standards; or was the force applied outside of these parameters and thereby excessive given the circumstance.

### **Applicable Standards:**

Civilian Detention Officers with the Bridgeport Police Department receive specialized training in the operation and control of the Holding Facility. Policy 3.8.7 Civilian Detention Officers-Use of Force.

## **II. Tactical Analysis:**

The conclusions reached in this report have been based on the totality of the investigation and the Bridgeport Police Department Policy and Procedure. The incident wherein Detention Officer Jose Figueroa found himself on October 21, 2017 ultimately developed into a disorderly scene.

Detention Officer Figueroa said he had contact with Peter Diaz, the gentleman with injured leg, up at cell #7 when he attempted to place leg shackles on him. Detention Officer Figueroa stated Peter Diaz looked at him and said, "Why don't you just wrap that chain around your wife's pussy?" Detention Officer Figueroa stated that kind of upset him and he tapped Mr. Diaz in his chest with his finger and said "Listen, I'm (Yvette)'s cousin, you need to fuckin chill."

Connecticut General Statute Section Sec. 53a-19 In examining the Use of Force in this instance under the requirements of the Bridgeport Police Department Policy and Procedure Manual, Section 3.8.7

1. Civilian Detention Officers-Use of Force, a determination must first determine if the force used to control the arrestee was applied in order to protect his/herself or a third person from physical injury.

Detention Officer Figueroa was asked in his statement if he used any force on Mr. Diaz and he stated he tapped Mr. Diaz in his chest with his finger.

Based on the video (View/camera of cell # 7 and 6 Detention Officer Figueroa appears to become upset and with his right hand appears to tap/poke Mr. Diaz in the chest while Mr. Diaz is strapped to a medic's stair chair.

Second, did the suspect pose a threat to the officer or any other person present. Detention Officer Figueroa conveyed Mr. Diaz was being jerk.

2. A subsequent determination must be made as to whether the Civilian Detention Officer brought the Use of Force immediately to the attention of the Holding Facility Supervisor.

In examining the incident and reviewing the video, taking into consideration if and when Mr. Diaz submitted or succumbed to the officer, this investigator has reviewed efforts made to temper the severity of the force response. Detention Officer Figueroa has proffered he was upset with Mr. Diaz, and he pointed and poked at Peter Diaz's chest and said "Listen, I'm (Yvette)'s cousin, you need to fuckin chill." Detention Officer Figueroa stated he then went around to the opposite side, because he knew his son was there, and he told Peter's son, "Why don't you tell your dad just to chill, because he's just being an asshole right Now" and Detention Officer Figueroa walked away.

## **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

Videos obtained, (video name: 10-21-17 Booking Cell # 7 & #6), this particular video captured several different views in the male Booking cells during the incident on October 21, 2017. The views/cameras were named Booking Cell # 7 & #6. The following is a summary of what was captured relative to the conduct of Detention Officer Figueroa.

(View/camera cells #7 and cell #6 Detention Officer Figueroa in front of cell #7 attempting to place the leg shackles on Mr. Figueroa.

(View/camera cells #7 and cell #6 Detention Officer Figueroa appears to become upset with Mr. Diaz. Detention Officer Figueroa appears to yell at Mr. Diaz while poking him in the chest with his finger with enough force to push Mr. Diaz back into the chair.

(View/camera cells #7 and cell #6 Detention Officer Figueroa appears to place a shackle on Mr. Diaz's right leg and then walk away.

### **Sec. 53a-19. Use of physical force in defense of person.**

(a) Except as provided in subsections (b) and (c) of this section, a person is justified in using reasonable physical force upon another person to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force, and he may use such degree of force which he reasonably believes to be necessary for such purpose; except that deadly physical force may not be used unless the actor reasonably believes that such other person is (1) using or about to use deadly physical force, or (2) inflicting or about to inflict great bodily harm.

(b) Notwithstanding the provisions of subsection (a) of this section, a person is not justified in using deadly physical force upon another person if he knows that he can avoid the necessity of using such force with complete safety (1) by retreating, except that the actor shall not be required to retreat if he is in his dwelling, as defined in section 53a-100, or place of work and was not the initial aggressor, or if he is a peace officer or a private person assisting such peace officer at his direction, and acting pursuant to section 53a-22, or (2) by surrendering possession of property to a person asserting a claim of right thereto, or (3) by complying with a demand that he abstain from performing an act which he is not obliged to perform.

(c) Notwithstanding the provisions of subsection (a) of this section, a person is not justified in using physical force when (1) with intent to cause physical injury or death to another person, he provokes the use of physical force by such other person, or (2) he is the initial aggressor, except that his use of physical force upon another person under such circumstances is justifiable if he withdraws from the encounter and effectively communicates to such other person his intent to do so, but such other person notwithstanding continues or threatens the use of physical force, or (3) the physical force involved was the product of a combat by agreement not specifically authorized by law.

### **3.8.7 CIVILIAN DETENTION OFFICERS-USE OF FORCE**

- 1) Civilian Detention Officers shall use only the minimum amount of force necessary to control the arrestee in order to protect his/her self or a third person from physical injury.
- 2) Any incident involving the use of force by a Civilian Detention Officer against an arrestee shall be brought to the immediate attention of the Holding Facility Supervisor.
- 3) The Holding Facility Supervisor shall document the incident in writing and render a conclusion as to the appropriateness of the use of force by the Detention Officer. These reports shall be forwarded to the Deputy Chief in Charge of Uniformed Services.

### **Conclusion:**

Based on all documentation and reports obtained throughout the course of the investigation and after careful review, it is concluded that Detention Officer Paul Humphrey violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations:

### **Detention Officer Jose Figueroa**

#### **3.8.7 Civilian Detention Officers-Use of Force**

## 1. Officer Douglas Bepko Issue # 1 Truthfulness:

Upon order of the Chief of Police, the Chief's designee or a superior officer, Officers shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the department that may be asked of them. Violation of this section may be grounds for dismissal. This policy shall not be constructed to mean that officers must divulge the names of informants.

### Application of Standards:

As for the sustained violation policy of truthfulness levied against Officer Douglas Bepko in his sworn statement to this investigator while on scene, he observed Officer Thomas Lattanzio and Officer Todd Sherback handcuffing an older male (Mr. Alvarado). Officer Bepko relates that the party was civil and that both Officer Lattanzio and Officer Sherback were professional. Officer Bepko articulates that he was only on scene for a few minutes and that, *"I walked in. I looked around. And when I was leavin' I, saw Sherback. I said, I'm out of here."* Officer Bepko reveals that he heard about a situation involving a firearm and that someone had a gun on them. According to Officer Bepko, he heard about the incident after it had already happened. Officer Bepko contends that he did not see any officer go hands on with anybody from the party while he was on scene. According to Officer Bepko, everybody (civilians) were videotaping the incident at the time and that he did not talk or have any contact with any of them.

According to Officer Bepko, while on scene he did not observe anyone being assaulted, or any officers strike anyone, or any party resisting and that he only observed officers walking people to their cars. Officer Bepko added that he did not feel in any immediate danger and did not have to assist in any crowd control because there was no crowd.

Concerning Booking, Officer Bepko disclosed that he knew Mr. Peter Diaz as one of the parties that was arrested. Officer Bepko states that he knew him for about 20 years. Officer Bepko states that he was in Booking only for a few minutes and that he did not witness any altercations or disturbances. When asked if he had observed an altercation between Officer Lattanzio and another prisoner, Officer Bepko stated, *"No"*, and that he was gone by that time. Officer Bepko later claims that he was in the back when the incident occurred. Officer Bepko explained that he had heard about someone spitting on Officer Lattanzio. (Page 16, line 679-706)

Officer Bepko stated that in report writing area there were several Officers writing reports and talking about the incident. Officer Bepko stated that he only remembered Officer Lattanzio in the report writing room typing his report.

This however was not factual; On video collected from scene a viewer can see Officer Bepko in the backyard and stand right next to Officer Thomas Lattanzio and Officer Todd Sherback as they are handcuffing Mr. Jose Alvarado. Note that Officer Bepko is standing only a few inches away from Mr. Alvarado. As Mr. Alvarado is being handcuffed, Officer Lattanzio strikes him twice in the back of the neck area and then walks him to the front of the house and Officer Bepko walks to the rear towards the deck area. **(Please see Officer Lattanzio's Investigative Summary)**

Officer Bepko contends that while he was on scene, he did not see any of the officer's strike anyone, but it is clearly shown that Officer Bepko had a clear view of Officer Lattanzio striking Mr. Alvarado and failed to disclose this during his interview.

Officer Bepko revealed during his interview that he heard about a situation involving a firearm and that someone had a gun on them. According to Officer Bepko, he heard about the incident after it had already happened. *(Page 8, line 349-356)* When Mr. Carmelo Mendez is taken to the ground by Officer Adam Szeps, Officer Bepko is standing right behind him. At this point, there is an unidentified female who is standing next to Officer Bepko's left videotaping the incident. Officer Bepko sees this and jumps right in front of her to prevent her from videotaping. The female moves away and Officer Bepko again goes in front of her. Officer Bepko then turns his back to the officers who are dealing with Mr. Mendez for a few seconds and sees that the female is still videotaping the incident. This time Officer Bepko shines his flashlight directly in the lens of the camera to block her from videotaping.

**House Bill No. 7103**

**June Special Session,**

**Public Act No. 15-4 AN ACT CONCERNING EXCESSIVE USE OF FORCE.**

*(Page 11, Sec. 9. (b)* An employer of a peace officer who interferes with any person taking a photographic or digital still or video image of such peace officer or another peace officer acting in the performance of such peace officer's duties shall be liable to such person in an action at law, suit in equity or other proper proceeding for redress.

Officer Bepko then starts to walk away towards the front of the house, however, he stops for a few seconds and looks directly at the officers who are dealing with Mr. Mendez and then walks back out to the front of the house.

While standing at the Booking desk Officer Bepko is seen talking to Mr. Diaz at which point Mr. Diaz brushes Officer Lattanzio's arm causing him to push Mr. Diaz. Note that Officer Bepko is looking directly at Officer Lattanzio and Mr. Diaz when this occurs. When asked during his interview if he had observed an altercation between Officer Lattanzio and another prisoner, Officer Bepko stated, "No", and that he was gone by that time. *(Page 16, line 679-690)*

Officer Bepko then goes to the Booking desk to open the door for another prisoner that is coming in. While Officer Bepko is standing in the Booking desk, Officer Lattanzio is arguing with Mr. Diaz as he is processing Mr. Alvarado.

Officer Bepko walks in to the report writing area where there are several officers and they all start talking. Note that there is no audio in the report writing room.

While in the report writing room, Officer Bepko points to the right side of his temple as he is talking to Sergeant Paul Scillia and Officer Ryan Mullenax and has his fingers shaped in the form of a circle. Officer Bepko repeats this motion again a few seconds later, but only this time taps his temple with his fingers shaped in a circle several times to the right side of his temple.

Officer Lattanzio is in the report writing area and is observed typing his report. Note that Mr. Mendez is the only suspect that has injuries consistent with what Officer Bepko is describing. Officer Bepko then walks back to the photo area at and sits down in a chair.

Sergeant Delgado walks to the photo area where Officer Bepko is sitting and points to his lip. Lieutenant Sapiro is also in the photo area. Officer Bepko again motions to this temple as he is talking to Officer Todd Sherback.

### **Conclusion:**

Officer Bepko, an experienced Police Officer, trusted by the Department and community was less than credible in his testimony beginning with the initial investigation and statements. Compounded when compared with the evidence produced by the video.

The evidence and testimony support the above violations of the Bridgeport Police Department Rules and Regulations brought forward by this undersigned investigator, but most conclusively 1.3.38 (*Truthfulness*).

### **Officer Douglas Bepko**

1.1.6 Appendix A – Oath of Office

1.1.7 Law Enforcement Code of Ethics

1.1.7.1 Primary Responsibilities of a Police Officer

1.1.7.2 Performance of the Duties of a Police Officer

1.1.7.6 Integrity

1.3.4 Knowledge of Department Rules and Regulations

1.3.5 Violation of Rules

1.3.6 Conformance to Rules/Regulations

1.3.12 Incompetence

1.3.21 Unbecoming Conduct

1.3.38 Truthfulness

## **1. Officer Todd Sherback: Issue # 1 Public Contact:**

12

On Wednesday November 8, 2017 Officer Todd Sherback came into the Office of Internal affairs located at 999 Broad Street to give his recorded interview to the undersigned investigator. The issue presented to the Office of Internal Affairs is regarding public contact concerning Officer Todd Sherback.

### **Applicable Standards:**

#### ***1.3.29 Public Contact***

- 1) Members of the Department shall answer telephones promptly and state in a courteous manner their command and rank or title and surname.
- 2) Members of the Department shall give all proper information to persons requesting the same in a courteous and accurate manner, avoiding all unnecessary conversation or controversy. Officers shall give their name and badge number to any person who requests the information.
- 3) Officers working in plain clothes shall promptly identify themselves when necessity arises. At the scene of an emergency where it is desirable to display the badge continuously, the badge shall be attached to the outer-most garment over the left breast.
- 4) Uniform officers shall not recognize a member in plain clothes unless first addressed by the plain clothes member of the Department.
- 5) Avoid conflict with Department policy when lecturing, giving speeches, or submitting articles for publication. Questions concerning fees received will be resolved by the commanding officer.
- 6) While on-duty members of the Department shall not speak disparagingly of the race, creed, color, sex, national origin, or religion of any person. Moreover, because such disparaging remarks may tend to create doubt as to the Department's willingness or ability to serve all members of the community fairly, regardless of race, creed, color, sex, national origin, or religion of any person, members are urged to refrain from such speech at all times. *While on-duty members of the Department shall exercise courtesy toward all persons.*
- 7) Members of the Department shall not congregate in public places, businesses or places of amusement while on-duty unless the exigencies of service require it.

### **Application of Standards:**

Officer Todd Sherback who responded to 316 Colorado Avenue to assist officers on October 21, 2017 and writes in his official Department Supplemental Report, "It was at this time that Officer McLaughlin order Morales to get on the ground or he would be tazered." After several commands by Officer McLaughlin to get on the ground Morales complied where he was then handcuffed from behind and double locked for safety without further incident. Morales was then escorted by Officer Stanitis to a marked patrol car in the front of this address while I remained in the rear of this location for the safety of other officers who were dealing with many other unruly attendees of the party". Subsequently, Officer Sherback while providing this office with a statement failed to indicate that while placing Mr. Morales

under arrest, Mr. Morales stated, "Fuck you" to Officer Sherback who in turn stated "Fuck you" back at Mr. Morales. ***1.3.29 Public Contact (video 28. 316 Colorado Avenue clips)***

The Office of Internal Affairs concludes the following information to be factual based on information that was corroborated and found to be true, accurate and credible.

Additionally, Officer Sherback was aware of this information and engaged in the inaccurate reporting of this incident which beyond a doubt is inconsistent with his true observations, violating policies 1.1.7 Law Enforcement Code of Ethics and 1.1.7.6 Integrity.

These actions by Officer Sherback undercut Public Confidence, as well as, his inherent duty to be impartial. Having determined that Officer Sherback violated the Department Rules of 1.3.29, 1.3.38, 1.1.7 and 1.1.7.6, based on factual information additionally substantiates a basis for being in violation of Department Rules 1.1.7.1 Primary Responsibilities of a Police Officer, 1.1.7.2 Performance of the duties of a Police Officer 1.3.4, Knowledge of Department rules and Regulations, and 1.3.5 Violation of rules.

After careful review of all paperwork, documents and information made available from the initial stages of this investigation to its conclusion, this office has substantiated Officer Sherback to have violated policy 1.3.6 Conformance to rules/Regulations and hereby through either unwillingness or failure to conform clearly violated policy 1.3.12 Incompetence and 1.3.21 Unbecoming conduct.

### **Conclusion:**

Based on all documentation and reports obtained throughout the course of the investigation and after careful review, it is concluded that Officer Todd Sherback violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations:

### **Officer Todd Sherback**

**1.1.6 Appendix A – Oath of Office**

**1.1.7 Law Enforcement Code of Ethics**

**1.1.7.1 Primary Responsibilities of a Police Officer**

**1.1.7.2 Performance of the Duties of a Police Officer**

**1.1.7.6 Integrity**

**1.3.4 Knowledge of Department Rules and Regulations**

**1.3.5 Violation of Rules**

**1.3.6 Conformance to Rules/Regulations**

**1.3.12 Incompetence**

**1.3.21 Unbecoming Conduct**

**1.3.29 Public Contact**



## **1. Officer Joseph Pires**

### **Issue # 1 Truthfulness:**

13

Officer Joseph Pires stated on October 21, 2017, he responded to a call at 316 Colorado Avenue because a 10-32 was called out by units on scene needing help. The issue presented to the Office of Internal Affairs is upon the appearance of Officer Joseph Pires he was less than truthful not only in his incident report, but also during his interview which is contradictory to the video that was provided to this office.

### **Applicable Standards:**

These applicable standards are taken out of the Bridgeport Police Department Police and Procedure Manual:

**1.3.38 Truthfulness** Upon order of the Chief of Police, the Chief's designee or a superior officer, officers shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department that may be asked of them. Violation of this section may be grounds for dismissal. This policy shall not be construed to mean that officers must divulge the names of informants.

**1.1.6 Appendix A - Oath of Office** I do solemnly swear that I will bear truth faith and allegiance to the United States of America and the State of Connecticut, and will support the constitution and the laws thereof, so help me God. I do solemnly swear that I will faithfully and impartially discharge and perform all duties incumbent upon me as a police officer of the City of Bridgeport.  
I hereby accept the office of Police Officer for the Bridgeport Police Department and agree to obey and be bound by such and regulations as are or may be from time to time, laid down for the government of the Police Department of the City of Bridgeport.

**1.1.7 Law Enforcement Code of Ethics** All law enforcement officers must be fully aware of the ethical responsibilities of their position and must constantly strive to live up to the highest standards of professional policing.

**1.1.7.1 Primary Responsibilities of a Police Officer** A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace, and ensuring the rights of all to liberty, equality and justice.

**1.1.7.2 Performance of the Duties of a Police Officer** A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally and with courtesy, consideration and dignity. Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust that they hold.

**1.1.7.6 Integrity** A police officer will not engage in acts of corruption or bribery nor will an officer condone such acts by other police officers. The public demands that the integrity of police officers be above reproach. Police officers must therefore avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept gifts,

presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer refrain from performing official responsibilities honestly and within the law. Police Officers must not receive private or special advantage from their official status. Respect from the public cannot be bought: it can only be earned and cultivated.

**1.3.21 Unbecoming Conduct** Officers shall not engage in any manner of misconduct or offensive behavior that brings the Department into disrepute or that reflects discredit upon the officer as a member of the Department, or that impairs the operation or efficiency of the Department or the officer.

## **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

In his incident report, Officer Pires documented that while on scene at 316 Colorado Avenue, he heard the sound of a car engine revving up and then observed a blue ford pickup truck swerving around police vehicles that had their emergency lights activated. Officer Pires explains that the pickup truck accelerated towards the officers who were standing outside this location, including him, ***"had to move quickly out of the way of the vehicle in order to avoid being struck."*** (Page 10, line 411-413)

During his interview, Officer Pires also stated that while still on scene he heard the sound of an engine revving and then observed a truck picking up speed and swerving around the police vehicles which had their lights activated and making his way up towards the street. Officer Pires related that ***"he along with several other officers had to jump out the way of this vehicle"*** and that they were signaling the vehicle with their flashlights and yelling at the driver to stop.

Videos obtained, (video name: **10-21-17 316 Colorado Avenue Berke USB**), captured several different views around the home of 316 Colorado Avenue during the incident on October 21, 2017. By reviewing the video footage which was provided under Channel 7, At 10:38:40 Officer Pires is standing in the street behind a parked vehicle right in front of the driveway of 316 Colorado Avenue, while Sergeant Stacey Lyons is speaking with Sergeant Jeffrey Long who standing in the street next to the driver side rear of a parked car a few feet from Officer Pires. The viewer can then see the pick-up truck traveling North on Colorado Avenue at a high rate of speed which nearly hits Sergeant Lyons and Sergeant Long who are hugging each other.

Officer Pires indicates in his report as well as his statement that he, as well multiple officers, had to move out of the way of the vehicle to avoid being hit, however, he was standing in the street at the time and neither did he or Sergeant Lyons or Sergeant Long have to jump out of the way of the truck as stated. In fact, Sergeant Lyons does not observe the vehicle right until it is close to her and Sergeant Long has his back to the pick-up truck because Sergeant Long is hugging her and there are no other officers around. In addition, Officer Pires states that the pick-up truck had to swerve around the police vehicles which had their emergency lights activated. In the video a viewer can see that there are several police vehicles with their police lights on to the South of the house on Colorado Avenue, however, when Officer Pires first sees the pick-up truck it has already passed the police vehicles. In the video, a viewer cannot see the pick-up truck swerving around the vehicle. Unfortunately, Channel 3 which would have caught the arrest of Jose Rosario does not work.

Based on all documentation, reports, video, and signed sworn statements, Officer Joseph Pires report and statement are contradictory to what the video shows and what actually occurred regarding this incident. Additionally, Officer Pires was aware of this information and engaged in the inaccurate reporting of this incident which beyond a doubt is inconsistent with his true observations, violating policies **1.3.38 Truthfulness / 1.1.7.6 Integrity / 1.1.6 Appendix A - Oath of Office / 1.1.7 Law Enforcement Code of Ethics**.

These actions by Officer Pires undercut Public Confidence, as well as, his inherent duty to be impartial. Having determined that Officer Pires violated the Department Rules of 1.3.38, 1.1.7.6 and 1.1.7, based on factual information additionally substantiates a basis for being in violation of Department Rules **1.1.7.1 Primary Responsibilities of a Police Officer / 1.1.7.2 Performance of the duties of a Police Officer**

After careful review of all paperwork, documents and information made available from the initial stages of this investigation to its conclusion, this office has substantiated Officer Pires to have violated policy **1.3.21 Unbecoming conduct**.

### **Conclusion:**

Based on all documentation and reports obtained throughout the course of the investigation and after careful and through review, it is concluded that Officer Joseph Pires violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations.

## **2. Officer Joseph Pires Issue # 2 Reporting:**

Officer Joseph Pires stated on October 21, 2017, he responded to a call at 316 Colorado Avenue because a 10-32 was called out by units on scene needing help. The issue presented to the Office of Internal affairs specifically concerning Officer Joseph Pires is whether Officer Joseph Pires reporting duties as a result of his Use of Force used with Jose Rosario was within clearly established policies/procedures and legal standards set forth by the Bridgeport Police Department.

### **Applicable Standards:**

These applicable standards are taken out of the Bridgeport Police Department Police and Procedure Manual:

**1.3.34 Departmental Reports / Official Correspondence** 1) Every member of the Department shall, without unnecessary delay, transmit to their superior officer any information of any unusual occurrence, important casualty, serious crime or unsafe condition existing or occurring in the member's presence or which the member is made aware of and shall take proper police action with regard thereto. 2) Officers shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by officers shall be truthful and complete. No officer shall knowingly enter or cause to be entered any inaccurate, false or improper information. 3) Accurate and concise entries shall be made in Department records in chronological order without delay using blue ink. 4) Department reports or forms should be signed using first full name, middle initial and surname. 5) Corrections on Department records should be made by drawing an ink line through the incorrect information. Enter the correction immediately above and initial the change. 6) No member of the Department shall enter into official Departmental correspondence over the member's signature except in accordance with the administrative orders of the Chief of Police. 7) Numerals should be used when entering dates on Department forms, e.g., 1/1/2000. (Note to reader: the date format used in this manual is dd mmm yy.)

**1.3.4 Knowledge of Department Rules and Regulations** 1) Members of the Department shall familiarize themselves with these rules and regulations and each member shall conform to and abide by the same. 2) These rules are a basis for action and are not meant to be all-inclusive. No member of the Department will be excused from action in accordance with sound judgment merely because a situation is not covered by a rule. 3) All members of the Department shall read and know the contents of all official bulletins, memos, notices and other matter that are posted on the Department bulletin boards or officially distributed within the Department. 4) In case of doubt concerning the application of any rule, regulation, order or directive, the member affected shall promptly consult with his immediate superior for clarification.

**1.3.5 Violation of Rules** Officers shall not commit any acts that constitute a violation of the rules, regulations, directives, or orders of the Department whether or not stated in this manual. Rules, regulations, directives, or other orders shall be posted at area commands, in bureaus and divisions, as well as other departmental areas that are deemed appropriate. Any superior officer of the Department who observes any subordinate violating any rule or regulation and fails to take proper corrective action, shall be in violation of these rules.

**1.3.6 Conformance to Rules/Regulations** All members of the Department shall be subject to and shall obey all rules and regulations, orders, instructions or requirements, whether mentioned in regard to a specific assignment or rank, or in the General Regulations, or emanating from a competent authority from time to time, insofar as may be applicable.

**1.3.12 Incompetence** An Officer shall maintain competency to perform his duty and to assume the responsibility of his position. Incompetence may be deemed by demonstrating the following but is not limited to: 1. A lack of knowledge of the application of laws that are required to be enforced 2. An unwillingness or inability to perform assigned tasks. 3. A failure to conform to work standards established for the officer's rank, grade or position. 4. Repeated poor evaluations or repeated infractions of the rules and regulations.

## **Report**

Dr. James Nardozzi, former Assistant Chief of Police for the City of Bridgeport authored the following report which was implemented to all sworn members regarding the Use of force.

5. If you use force in your capacity as a sworn member of the Bridgeport Police Department, a use of force investigation must be commenced by a Bridgeport Police supervisor and a Use of force Report completed;
6. It does not matter if you were on-or off duty when you used force in your capacity as a sworn member of the Bridgeport Police Department;
7. Your current assignment, post, rank, or membership on a local, state, or federal task force at the time force was used does not alleviate the requirements of a use of force investigation being conducted by a Bridgeport police supervisor and the completion of a Bridgeport Police Department Use of force Report.
8. If you use force in your capacity as a sworn member of the Bridgeport Police Department outside of our jurisdiction, i.e. you make an out of town arrest involving force, a Bridgeport Police supervisor needs to conduct a use of force investigation and a Bridgeport Police Department Use of Force Report must be completed.

This information does not supersede our current Use of Force policy, it is simply meant to clarify questions and concerns that have risen up thru the chain of command.

Any further questions should be directed to your immediate supervisor.

## **Departmental Memos:**

### **DEPARTMENTAL MEMO BRIDGEPORT POLICE DEPARTMENT 15-0006**

TO: ALL COMMANDS  
FROM: CHIEF JOSEPH L. GAUDETT, JR  
RE: USE OF FORCE REPORTS  
DATE: FEBRUARY 4, 2015

Pursuant to the Police Officers Standards and Training Council General Notice 14-02, The Bridgeport Police Department has adopted the State of Connecticut's Police Officer Standards and Training Council's Model Use of Force Report, effective immediately.

The Use of Force Report as outlined in Policy, 3.7.1. and the Department's O.C. Spray reporting form shall no longer be used.

All Uses of Force including O.C. Spray, Conducted Electrical Weapons (TASER) etc. shall be recorded on the newly adopted form.

The form has been made available on the "J" Drive as well as Booking and Day Room computers. The Form is labeled "Use of Force Report-CT". In addition, a copy of the newly adopted form is attached to this memorandum. Discontinue any use of the old Use of Force forms.

Supervisors shall insure compliance with this directive.

The use of the newly adopted form in no way changes officers or supervisor's responsibility as it pertains to reporting and investigative requirements in instances where force has been used.

All Department members shall comply with the following:

**3.7.1.17 Situations Requiring A Use of Force Report:** The Use of Force Report procedure will be completed whether or not an arrest is made and under the following circumstances (a sample Use of Force Report is available in § 3.7.1.25 below): 1) When any officer purposely strikes either with body parts (feet, hands, knees) or striking instrument, any person during the performance of the officer's duties. 2) When scuffling or grappling with an arrestee or person under lawful detention and using any degree of force or physical restraint greater than the mere guiding, holding or handcuffing of someone. 3) When an officer causes an injury or there is a complaint of injury from a person as a result of any physical confrontation. 4) When an officer uses the authorized Departmentally issued chemical irritant spray, A Use of OC Form must be completed. (Note: An entire Use of Force Report is not necessary under these circumstances.)

## **Memo**

### **DEPARTMENTAL MEMO BRIDGEPORT POLICE DEPARTMENT 17-0113**

TO: ALL COMMANDS

FROM: CHIEF AMANDO J. PEREZ

RE: New Use of Force Forms (Supervisors)

DATE: February 23, 2017

The Department has updated the **Supervisory Use of Force Cover Report**. This Cover Sheet will be utilized as the cover page to all Use of Force packages throughout the department. This form has been placed on the J: Drive in the **Dept Forms** folder under the **Patrol** subfolder.

The investigation guide will no longer be submitted with the use of force package. This form has been placed on the J: Drive in the **Dept Forms** folder under the **Use of Force** subfolder.

Supervisors will respond to all situations requiring use of force, investigate the use of force on scene, ensuring medical attention is received and taking photos of any injuries. Supervisors will document this on page three of the State Use of Force report under the **Patrol Supervisor** section and check the appropriate box and fill out the mandatory comments section.

The UOF Package shall consist of the following:

6. Three-page State UOF form with Supervisor Comments (3.7.1.21)
7. Incident reports, supplemental reports
8. EDW download (3.7.2.5) & (3.7.2.6)
9. Pictures of Injuries (3.7.1.19)

#### 10. Supervisory Use of Force Cover Report

The UOF Package shall be forwarded to the Lieutenant within 24 hours  
{Attached is the Supervisory Use Of Force Cover Report and the State of Connecticut – Police Officer Standards and Training Council Use of Force report}.

### Application of Standards:

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

In his incident report, Officer Pires documented that he observed Rosario repeatedly reach down to his right side as he was ordered repeatedly to place his hands on the steering wheel. Officer Pires indicated that he opened the driver's side door and grabbed Rosario's left arm to remove him from the vehicle. Officer Pires documents that Rosario resisted getting out and that he had to forcibly remove Rosario and secure his left wrist and upper arm and order him to place his chest against the vehicle. Officer Pires documented that he secured Rosario in handcuffs and placed him in the rear of Officer Mathew Johnson's vehicle and was later transported to booking.

During his interview, Officer Pires stated that he observed the driver moving around the vehicle. According to Officer Pires, the driver Mr. Jose Rosario, was ordered to keep his hands on the steering wheel and that he could see him constantly reaching down to his right side. Officer Pires states that he ordered Mr. Rosario out of the vehicle and he was non-compliant. Officer Pires continues that he then opened the driver's side door and ordered him out of the vehicle again, however, Mr. Rosario did not comply. Officer Pires states that he then grabbed him by his left arm and removed him from the vehicle and placed him against the police vehicle that was right next to them and placed him in handcuffs.

Officer Pires notes that he was the only one that removed Mr. Rosario from the vehicle and that there were other officers nearby but because it was a tight space between the vehicle, there was only room for himself and nobody else was able to get in there. Unfortunately, Channel 3 from the video footage provided by Attorney Burke, which would have caught the incident does not work.

Based on all documentation, reports, and signed sworn statements and since Officer Joseph Pires used a degree of force or physical restraint was greater than the mere guiding, holding or handcuffing of someone, it was his duty to complete an Use of Force the in a timely fashion so that Sergeant Delgado could in compliance with "*Memo # 17-0113.*" Which requires sergeants to turn in their Use of Force package within twenty-four hours to their Lieutenant. On the contrary, Officer Pires completed his Use of Force report regarding this incident until days later which was eventually signed by Sergeant Ivan Delgado on 10/31/17. Therefore, Officer Pires is in violation of policies: **1.3.34 Department Reports / Official Correspondence**, and **3.7.1.17 Situations Requiring A Use of Force Report**:

All indications of material evidence, statements, reports and documentation clearly further substantiate a violation of **1.3.4 Knowledge of Department Rules and Regulations / 1.3.5 Violation of Rules / 1.3.6 Conformance to Rules/Regulations**

Having determined that Officer Pires violated the aforementioned policies and procedures based on factual information, additionally substantiates a basis for violations of **1.3.12 Incompetence**. By failure to complete an Use of Force package for the incident on time, Officer Pires failed to maintain competency to perform his duty and to assume the responsibility of his position.

## **Conclusion:**

Based on all documentation and reports obtained throughout the course of the investigation and after careful and through review, it is concluded that Officer Joseph Pires violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations.

### **Officer Joseph Pires:**

1.1.6 Appendix A - Oath of Office

1.1.7 Law Enforcement Code of Ethics

1.1.7.1 Primary Responsibilities of a Police Officer

1.1.7.2 Performance of the Duties of a Police Officer

1.1.7.6 Integrity

1.3.4 Knowledge of Department Rules and Regulations

1.3.5 Violation of Rules

1.3.6 Conformance to Rules/Regulations

1.3.12 Incompetence

1.3.21 Unbecoming Conduct

1.3.34 Departmental Reports / Official Correspondence

1.3.38 Truthfulness

3.7.1.17 Situations Requiring A Use Of Force Report



## **1. Officer Mathew Johnson**

### **Issue # 1 Reporting:**

14

Officer Mathew Johnson stated on October 21, 2017, he responded to a call at 316 Colorado Avenue because a 10-32 (Officer needs assistance) was called out by units on scene needing help. The issue presented to the Office of Internal affairs specifically concerning Officer Mathew Johnson is whether the two reports that were authored by him were within clearly established policies/procedures and legal standards set forth by the Bridgeport Police Department.

### **Applicable Standards:**

These applicable standards are taken out of the Bridgeport Police Department Police and Procedure Manual:

**1.3.34 Departmental Reports / Official Correspondence** 1) Every member of the Department shall, without unnecessary delay, transmit to their superior officer any information of any unusual occurrence, important casualty, serious crime or unsafe condition existing or occurring in the member's presence or which the member is made aware of and shall take proper police action with regard thereto. 2) Officers shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by officers shall be truthful and complete. No officer shall knowingly enter or cause to be entered any inaccurate, false or improper information. 3) Accurate and concise entries shall be made in Department records in chronological order without delay using blue ink. 4) Department reports or forms should be signed using first full name, middle initial and surname. 5) Corrections on Department records should be made by drawing an ink line through the incorrect information. Enter the correction immediately above and initial the change. 6) No member of the Department shall enter into official Departmental correspondence over the member's signature except in accordance with the administrative orders of the Chief of Police. 7) Numerals should be used when entering dates on Department forms, e.g., 1/1/2000. (Note to reader: the date format used in this manual is dd mmm yy.)

**1.3.4 Knowledge of Department Rules and Regulations** 1) Members of the Department shall familiarize themselves with these rules and regulations and each member shall conform to and abide by the same. 2) These rules are a basis for action and are not meant to be all-inclusive. No member of the Department will be excused from action in accordance with sound judgment merely because a situation is not covered by a rule. 3) All members of the Department shall read and know the contents of all official bulletins, memos, notices and other matter that are posted on the Department bulletin boards or officially distributed within the Department. 4) In case of doubt concerning the application of any rule, regulation, order or directive, the member affected shall promptly consult with his immediate superior for clarification.

**1.3.5 Violation of Rules** Officers shall not commit any acts that constitute a violation of the rules, regulations, directives, or orders of the Department whether or not stated in this manual. Rules, regulations, directives, or other orders shall be posted at area commands, in bureaus and divisions, as well as other departmental areas that are deemed appropriate. Any superior officer of the Department who observes any subordinate violating any rule or regulation and fails to take proper corrective action, shall be in violation of these rules.

**1.3.6 Conformance to Rules/Regulations** All members of the Department shall be subject to and shall obey all rules and regulations, orders, instructions or requirements, whether mentioned in regard to a specific assignment or rank, or in the General Regulations, or emanating from a competent authority from time to time, insofar as may be applicable.

**1.3.28 Withholding Information** Members of the Department shall not withhold information from their superior officers relating to police business for the purpose of personal advancement or for any other improper purposes.

## **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

Officer Johnson documented in his incident supplemental report #11021-297 (Exhibit Record #17) that suspect Deida was placed in handcuffs by Officer Natalie McLaughlin while he and Officer Mark Blackwell secured her hands as she attempted to resist arrest, ***"bracing herself and holding her hands apart in an attempt to allow officers to place handcuffs on her."*** This report was dated 10/21/17 and was signed by Sergeant Jeffrey Long. On 10/22/17, Officer Mathew completed a second report which was signed by Sergeant Ivan Delgado in which he did not include the sentence, ***"bracing herself and holding her hands apart in an attempt to allow officers to place handcuffs on her."***

According to Officer Johnson, he was asked by Officer McLaughlin to complete an addendum for his part in the arrest of Sara Deida and that his report was placed in the sergeant's window. The video from Jose Alvarado's cell phone shows that a commotion is heard and then several officers, including Officer Johnson, converge to the porch area.

The video then shows Officer Johnson, Officer Blackwell, and Officer McLaughlin attempting to arrest Sara Deida who has her hands behind her back and appears to be resisting. The video then turns away from the officers and shuts off a few seconds later. ***Note that Officer Johnson stated during his interview that Officer Blackwell attempted to arrest Sara Deida while she was actively resisting by holding her hands apart. Officer Blackwell secured one hand while Officer Johnson secured the other so that Officer McLaughlin could handcuff her***

The Office of Internal Affairs acknowledges that based on the information and documentation obtained relating to Officer Johnson's sworn statement, reports, as well as a careful and thorough review of the video evidence obtained to this point, this office as well as any reasonable person could logically conclude that Officer Johnson willfully and knowingly entered two reports for the same incident and attempted to alter his original report by removing the resistance by Sara Deida. Thus, Officer Johnson's actions clearly violate Department policies: ***1.3.34 Department Reports / Official Correspondence, 1.3.4 Knowledge of Department Rules and Regulations / 1.3.5 Violation of Rules / 1.3.6 Conformance to Rules/Regulations***

Having determined that Officer Johnson violated the aforementioned policies and procedures based on factual information, additionally substantiates a basis for violations of ***1.3.28 Withholding Information.***

## **Conclusion:**

Based on all documentation and reports obtained throughout the course of the investigation and after careful and thorough review, it is concluded that Officer Mathew Johnson violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations.

**Officer Mathew Johnson:**

**1.1.6 Appendix A - Oath of Office**

**1.1.7 Law Enforcement Code of Ethics**

**1.1.7.6 Integrity**

**1.3.4 Knowledge of Department Rules and Regulations**

**1.3.5 Violation of Rules**

**1.3.6 Conformance to Rules/Regulations**

**1.3.12 Incompetence**

**1.3.21 Unbecoming Conduct**

**1.3.28 Withholding Information**

**1.3.34 Departmental Reports / Official Correspondence**

## 1. Officer Linet Castillo-Jimenez

### Issue # 1 Truthfulness:

15

Officer Linett Castillo-Jimenez stated that on October 21, 2017, she responded to a call at 316 Colorado Avenue because a 10-32 was called out by units on scene needing help. The issue presented to the Office of Internal Affairs is upon the appearance of Officer Linett Castillo-Jimenez is her "Untruthfulness" not only in her incident report, but also during her interview.

### Applicable Standards:

These applicable standards are taken out of the Bridgeport Police Department Police and Procedure Manual:

**1.1.6 Appendix A - Oath of Office** I do solemnly swear that I will bear truth faith and allegiance to the United States of America and the State of Connecticut, and will support the constitution and the laws thereof, so help me God. I do solemnly swear that I will faithfully and impartially discharge and perform all duties incumbent upon me as a police officer of the City of Bridgeport. I hereby accept the office of Police Officer for the Bridgeport Police Department and agree to obey and be bound by such and regulations as are or may be from time to time, laid down for the government of the Police Department of the City of Bridgeport.

**1.1.7 Law Enforcement Code of Ethics** All law enforcement officers must be fully aware of the ethical responsibilities of their position and must constantly strive to live up to the highest standards of professional policing.

**1.1.7.2 Performance of the Duties of a Police Officer** A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally and with courtesy, consideration and dignity. Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust that they hold.

**1.1.7.6 Integrity** A police officer will not engage in acts of corruption or bribery nor will an officer condone such acts by other police officers. The public demands that the integrity of police officers be above reproach. Police officers must therefore avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer refrain from performing official responsibilities honestly and within the law. Police Officers must not receive private or special advantage from their official status. Respect from the public cannot be bought: it can only be earned and cultivated.

**1.3.12 Incompetence** An Officer shall maintain competency to perform his duty and to assume the responsibility of his position. Incompetence may be deemed by demonstrating the following but is not limited to: 1. A lack of knowledge of the application of laws that are required to be enforced 2. An unwillingness or inability to perform assigned tasks. 3. A failure to conform to work standards established for the officer's rank, grade or position. 4. Repeated poor evaluations or repeated infractions of the rules and regulations.

**1.3.21 Unbecoming Conduct** Officers shall not engage in any manner of misconduct or offensive behavior that brings the Department into disrepute or that reflects discredit upon the officer as a member of the Department, or that impairs the operation or efficiency of the Department or the officer.

**1.3.34 Departmental Reports / Official Correspondence** 1) Every member of the Department shall, without unnecessary delay, transmit to their superior officer any information of any unusual occurrence, important casualty, serious crime or unsafe condition existing or occurring in the member's presence or which the member is made aware of and shall take proper police action with regard thereto. 2) Officers shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by officers shall be truthful and complete. No officer shall knowingly enter or cause to be entered any inaccurate, false or improper information. 3) Accurate and concise entries shall be made in Department records in chronological order without delay using blue ink. 4) Department reports or forms should be signed using first full name, middle initial and surname. 5) Corrections on Department records should be made by drawing an ink line through the incorrect information. Enter the correction immediately above and initial the change. 6) No member of the Department shall enter into official Departmental correspondence over the member's signature except in accordance with the administrative orders of the Chief of Police. 7) Numerals should be used when entering dates on Department forms, e.g., 1/1/2000. (Note to reader: the date format used in this manual is dd mmm yy.)

**1.3.38 Truthfulness** Upon order of the Chief of Police, the Chief's designee or a superior officer, officers shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department that may be asked of them. Violation of this section may be grounds for dismissal. This policy shall not be construed to mean that officers must divulge the names of informants.

**1.3.4 Knowledge of Department Rules and Regulations** 1) Members of the Department shall familiarize themselves with these rules and regulations and each member shall conform to and abide by the same. 2) These rules are a basis for action and are not meant to be all-inclusive. No member of the Department will be excused from action in accordance with sound judgment merely because a situation is not covered by a rule. 3) All members of the Department shall read and know the contents of all official bulletins, memos, notices and other matter that are posted on the Department bulletin boards or officially distributed within the Department. 4) In case of doubt concerning the application of any rule, regulation, order or directive, the member affected shall promptly consult with his immediate superior for clarification.

**1.3.5 Violation of Rules** Officers shall not commit any acts that constitute a violation of the rules, regulations, directives, or orders of the Department whether or not stated in this manual. Rules, regulations, directives, or other orders shall be posted at area commands, in bureaus and divisions, as well as other departmental areas that are deemed appropriate. Any superior officer of the Department who observes any subordinate violating any rule or regulation and fails to take proper corrective action, shall be in violation of these rules.

**1.3.6 Conformance to Rules/Regulations** All members of the Department shall be subject to and shall obey all rules and regulations, orders, instructions or requirements, whether mentioned in regard to a specific assignment or rank, or in the General Regulations, or emanating from a competent authority from time to time, insofar as may be applicable.

### **Application of Standards:**

As for the sustained violation policy of truthfulness levied against Officer Linet Castillo-Jimenez in her sworn statement to this investigator she stated that she does not remember who the officers were that she assisted in escorting a male (Fernando Morales) to a patrol vehicle. Officer Castillo-Jimenez claimed that

she did not remember which Officers they were. Note that Officer Castillo-Jimenez is speaking about the incident involving the arrest of Fernando Morales which involved Officer Joseph Pires and Officer Michael Stanitis. Officer Pires documented this incident in both an incident report and a Use of Force report.

During the investigation, it was discovered that Castillo-Jimenez authored two reports for the same incident which were signed by two different sergeants. Report one: #11021-297, Officer Castillo-Jimenez writes, I, Officer L Castillo responded to 316 Colorado Avenue to assist units with a hostile house party. Upon arrival, a man, later identified as Morales, Fernando, was being escorted to a patrol vehicle by **Officer Stanitis and Officer Pires**. Morales was already handcuffed but became aggressive towards the Officers. I assisted in grabbing Morales and bringing him to the ground until he complied with the commands given. I used my hand to hold Morales down against the ground while commanding him to stay quiet. Morales was commanded to remain silent several times, but he continued yell "Fuck You! Suck my dick!" Morales was grabbed by the arms and placed in the back of the patrol vehicle. **(This report was signed by Officer Castillo-Jimenez and reviewed and signed by Sergeant Ivan Delgado)** (Exhibit Record #17)

Report Two: #11021-297, Officer Castillo-Jimenez writes, I, Officer L Castillo responded to 316 Colorado Avenue to assist units with a hostile house party. Upon arrival, a man, later identified as Morales, Fernando, was being escorted to a patrol vehicle by **Responding Officers**. Morales was already handcuffed but became aggressive towards the Officers **by pushing his body towards the Officers. Morales continue to resist by attempting to create distance between himself and the patrol vehicle.** I assisted in grabbing Morales and bringing him to the ground until he complied with the commands given. I used my hand to hold Morales down against the grown while commanding him to stay quiet. Morales was commanded to remain silent several times, but he continued yell "Fuck You! Suck my dick!" Morales was grabbed by the arms and placed in the back of the patrol vehicle. **(This report was signed by Officer Castillo-Jimenez and reviewed and signed by Sergeant Jeff Long)**

It should be noted that the discrepancy was discovered after Officer Castillo-Jimenez had been interviewed. In addition, the undersigned investigator cannot determine which report was written first since the reports are not time or date stamped and both have the date of 10/21/17. Additionally, both Sergeant Ivan Delgado and Sergeant Jeffrey Long were working at the night of the incident.

During her interview, Officer Castillo-Jimenez is also asked if she has worked with these officers before and her reply is, "I don't know." It is important to note that Officer Castillo-Jimenez and Officer Pires are classmates and both were hired on 02/29/16 and yet, she contends that she does not remember who the officers are. In addition, Officer Castillo-Jimenez was interviewed 8 days after the incident and still she claimed during her interview that she could remember who the officers were. ***This is violation of 1.3.38 Truthfulness / 1.3.28 Withholding Information.***

Additionally, Officer Castillo-Jimenez was aware of this information and engaged in the inaccurate reporting of this incident which beyond a doubt is inconsistent with her the true facts of the incident, thus violating policies ***1.1.6 Appendix A – Oath of Office / 1.1.7 Law Enforcement Code of Ethics / 1.1.7.6 Integrity / 1.3.34 Departmental Reports / Official Correspondence.***

These actions by Officer Castillo-Jimenez undercut Public Confidence, as well as, her inherent duty to be impartial. Having determined that Officer Castillo-Jimenez violated the Department Rules of ***1.3.34, 1.3.38, 1.1.7.6 and 1.1.7***, based on factual information additionally substantiates a basis for being in violation of Department Rules ***1.1.7.2 Performance of the duties of a Police Officer / 1.3.4 Knowledge of Department rules and Regulations / 1.3.5 Violation of rules.***

After careful review of all paperwork, documents and information made available from the initial stages of this investigation to its conclusion, this office has substantiated Officer Castillo-Jimenez to have violated policy *1.3.6 Conformance to rules/Regulations and hereby through either unwillingness or failure to conform clearly violated policy 1.3.12 Incompetence / 1.3.21 Unbecoming conduct.*

## **Conclusion:**

The Office of Internal Affairs concludes the following information to be factual based on information that was corroborated and found to be true, accurate and credible. Officer Castillo-Jimenez, an experienced Police Officer, trusted by the Department and community was less than credible in her testimony beginning with the initial investigation and it is compounded when compared with the two reports and statements provided by her during the investigation.

## **Officer Linett Castillo-Jimenez**

**1.1.6 Appendix A – Oath of Office**

**1.1.7 Law Enforcement Code of Ethics**

**1.1.7.2 Performance of the Duties of a Police Officer**

**1.1.7.6 Integrity**

**1.3.4 Knowledge of Department Rules and Regulations**

**1.3.5 Violation of Rules**

**1.3.6 Conformance to Rules/Regulations**

**1.3.12 Incompetence**

**1.3.21 Unbecoming Conduct**

**1.3.34 Departmental Reports / Official Correspondence**

**1.3.38 Truthfulness**

## **1. Detention Officer Paul Humphrey: Issue # 1 Public Contact:**

16

On Friday October 27, 2017 Detention Officer Paul Humphrey came into the Office of Internal affairs located at 999 Broad Street to give his recorded interview to the undersigned investigator. The issue presented to the Office of Internal Affairs is regarding public contact concerning Detention Officer Paul Humphrey was his Untruthfulness.

### **Applicable Standards:**

#### ***1.3.29 Public Contact***

- 1) Members of the Department shall answer telephones promptly and state in a courteous manner their command and rank or title and surname.
- 2) Members of the Department shall give all proper information to persons requesting the same in a courteous and accurate manner, avoiding all unnecessary conversation or controversy. Officers shall give their name and badge number to any person who requests the information.
- 3) Officers working in plain clothes shall promptly identify themselves when necessity arises. At the scene of an emergency where it is desirable to display the badge continuously, the badge shall be attached to the outer-most garment over the left breast.
- 4) Uniform officers shall not recognize a member in plain clothes unless first addressed by the plain clothes member of the Department.
- 5) Avoid conflict with Department policy when lecturing, giving speeches, or submitting articles for publication. Questions concerning fees received will be resolved by the commanding officer.
- 6) While on-duty members of the Department shall not speak disparagingly of the race, creed, color, sex, national origin, or religion of any person. Moreover, because such disparaging remarks may tend to create doubt as to the Department's willingness or ability to serve all members of the community fairly, regardless of race, creed, color, sex, national origin, or religion of any person, members are urged to refrain from such speech at all times. *While on-duty members of the Department shall exercise courtesy toward all persons.*
- 7) Members of the Department shall not congregate in public places, businesses or places of amusement while on-duty unless the exigencies of service require it.

### **Application of Standards:**

Detention Officer Paul Humphrey who was assigned to Booking on October 21, 2017 while providing this office with a statement failed to indicate that while interacting with Mr. Fernando Morales in Booking Mr. Morales stated, "Fuck you" to Detention Officer Humphrey who in turn stated, "Fuck you" back at Mr. Morales.

**3.8.2 Policy** It is the policy of this Department to treat all arrested persons with humaneness and understanding. The safety of the arrestee and Department personnel is the paramount consideration. Arrestees shall be allowed to consult with counsel upon request and without exception. Their civil rights will be protected at all times and this protection shall be a continuing responsibility of this Department



while they remain in custody. They shall be afforded an opportunity to contact family and/or employer to apprise them of their situation.

The Office of Internal Affairs concludes the following information to be factual based on information that was corroborated and found to be true, accurate and credible.

### **Conclusion:**

Based on all documentation and reports obtained throughout the course of the investigation and after careful review, it is concluded that Detention Officer Paul Humphrey violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations:

### **Detention Officer Paul Humphrey**

1.3.29 Public Contact

3.8.2 Policy Holding Facility

## **1. Officer Natalie McLaughlin**

### **Issue # 1 Truthfulness:**

17

Officer Natalie McLaughlin stated on October 21, 2017, she was dispatched to respond to check two areas, the intersections of State Street and Colorado Avenue and Fairfield Avenue and Colorado Avenue on a report of a noise complaint. The issue presented to the Office of Internal Affairs is upon the appearance of Officer Natalie McLaughlin she was less than truthful in her incident report her sworn statement to the Office of Internal Affairs.

### **Applicable Standards:**

These applicable standards are taken out of the Bridgeport Police Department Police and Procedure Manual:

**1.3.38 Truthfulness** Upon order of the Chief of Police, the Chief's designee or a superior officer, officers shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department that may be asked of them. Violation of this section may be grounds for dismissal. This policy shall not be construed to mean that officers must divulge the names of informants.

**1.1.6 Appendix A - Oath of Office** I do solemnly swear that I will bear truth faith and allegiance to the United States of America and the State of Connecticut, and will support the constitution and the laws thereof, so help me God. I do solemnly swear that I will faithfully and impartially discharge and perform all duties incumbent upon me as a police officer of the City of Bridgeport.

I hereby accept the office of Police Officer for the Bridgeport Police Department and agree to obey and be bound by such and regulations as are or may be from time to time, laid down for the government of the Police Department of the City of Bridgeport.

**1.1.7 Law Enforcement Code of Ethics** All law enforcement officers must be fully aware of the ethical responsibilities of their position and must constantly strive to live up to the highest standards of professional policing.

**1.1.7.1 Primary Responsibilities of a Police Officer** A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace, and ensuring the rights of all to liberty, equality and justice.

**1.1.7.2 Performance of the Duties of a Police Officer** A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally and with courtesy, consideration and dignity. Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust that they hold.

**1.1.7.6 Integrity** A police officer will not engage in acts of corruption or bribery nor will an officer condone such acts by other police officers. The public demands that the integrity of police officers be

above reproach. Police officers must therefore avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer refrain from performing official responsibilities honestly and within the law. Police Officers must not receive private or special advantage from their official status. Respect from the public cannot be bought: it can only be earned and cultivated.

**1.3.21 Unbecoming Conduct** Officers shall not engage in any manner of misconduct or offensive behavior that brings the Department into disrepute or that reflects discredit upon the officer as a member of the Department, or that impairs the operation or efficiency of the Department or the officer.

## Application of Standards:

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

In her incident report, file#171021-297 Officer McLaughlin documented among other things that while on scene at 316 Colorado Avenue, she observed a Hispanic male later identified as Mendez, Carmelo (S5), pull away from cover car Amber 21 Officer Hugo Stern when Officer Stern attempted to guide Carmelo off the property by placing his hand on his shoulder. Officer McLaughlin documented Carmelo refused to leave the property stating, "*fuck you I'm not going anywhere*". Carmelo was then guided by cover car Blue 15 Officer Adam Szeps to the ground where he attempted to place Carmelo in handcuffs.

During her interview, Officer McLaughlin was asked did she ever hear Carmelo Mendez say, this is my sister's property" and she stated that she did not. All she remembers him saying was "*He's not fucking going anywhere*" and to "*Get the fuck off of him*". Officer McLaughlin was then asked did she ever hear Carmelo Mendez scream, "They are hitting me" and she stated she didn't hear that.

Videos obtained, (video name: **10-21-17 316 Colorado Avenue Berke USB**), captured several different views around the home of 316 Colorado Avenue during the incident on October 21, 2017. By reviewing the video footage which was provided (Exhibit 28. 316 Colorado Avenue video clips) captured on Mr. Mendez's personal cell phone the incident prior to Mr. Mendez being taken down to the ground. In the footage prior to Mr. Mendez being taken down to the ground, at approximately the 13:08 mark of the video footage a viewer can see and hear Officer Hugo Stern state, "Let's go" and motion with his right-hand thumb pointing back over his shoulder toward the street. Then state "Parties over, let's go" but now Officer Stern is out of camera view being that he passed Mr. Mendez. At this point you hear Mr. Mendez state "Don't touch me." Then you hear Officer Stern again say, "Let's go." Mr. Mendez then stated, "This is my sister's house." An unidentified voice then says, "Let's go" and as Mr. Mendez again starts to say, "This is my sister's house" You hear who appears to be Officer Szeps who is out of the view of the camera state, "You're going." At this point, the 13:15 mark of the video footage Mr. Mendez's cell phone video appears to move violently and falls to the ground. At the 13:17 mark of the video footage you hear Mr. Mendez say "Oh, yo he just hit me!" At the 13:21 mark of the video footage you hear Officer Stern state, "He's got a gun he's got a gun!" Then the cell phone is turned off.

Note: At no time based on the video captured prior to Mr. Mendez being taken down to the ground did Mr. Mendez state, "*He's not fucking going anywhere*" and to "*Get the fuck off of him*".

In Officer McLaughlin's sworn statement, she stated she saw Officer (Stern), doing a motion and telling people it's time to go. Officer McLaughlin stated Officer Stern put his hand on one of the gentleman's

(Carmelo Mendez) shoulder to attempt to guide him out of the party and the gentleman swung after him and told him, "Get the fuck off me, I don't have to go anywhere, this is not your property." Officer McLaughlin stated then she saw officers take him down. (Page 28, line 1209-1221) and (Page 29, line 1262-1273).

Based on all documentation, reports, video, and signed sworn statements, Officer Natalie McLaughlin's report and statement are contradictory and inconsistent to what the video shows and what actually occurred regarding this incident, violating policies **1.3.38 Truthfulness / 1.1.7.6 Integrity / 1.1.6 Appendix A - Oath of Office / 1.1.7 Law Enforcement Code of Ethics.**

Having determined that Officer McLaughlin violated the Department Rules of 1.3.38, 1.1.7.6 and 1.1.7, based on factual information additionally substantiates a basis for being in violation of Department Rules **1.1.7.1 Primary Responsibilities of a Police Officer / 1.1.7.2 Performance of the duties of a Police Officer**

After careful review of all paperwork, documents and information made available from the initial stages of this investigation to its conclusion, this office has substantiated Officer McLaughlin to have violated policy **1.3.21 Unbecoming conduct.**

### **Conclusion:**

Based on all documentation and reports obtained throughout the course of the investigation and after careful and through review, it is concluded that Officer Natalie McLaughlin violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations.

## **2. Officer Natalie McLaughlin**

### **Issue # 2 Reporting:**

Officer Natalie McLaughlin stated on October 21, 2017, she was dispatched to respond to check two areas, the intersections of State Street and Colorado Avenue and Fairfield Avenue and Colorado Avenue on a report of a noise complaint. The issue presented to the Office of Internal Affairs is upon whether the reporting duties of Officer Natalie McLaughlin was within clearly established policies/procedures and legal standards set forth by the Bridgeport Police Department.

### **Applicable Standards:**

These applicable standards are taken out of the Bridgeport Police Department Police and Procedure Manual:

**1.3.34 Departmental Reports / Official Correspondence** 1) Every member of the Department shall, without unnecessary delay, transmit to their superior officer any information of any unusual occurrence, important casualty, serious crime or unsafe condition existing or occurring in the member's presence or which the member is made aware of and shall take proper police action with regard thereto. 2) Officers shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by officers shall be truthful and complete. No officer shall knowingly enter or cause to be entered any inaccurate, false or improper information. 3) Accurate and concise entries shall be made in Department records in chronological order without delay using blue ink. 4) Department reports or forms should be signed using first full name, middle initial and surname. 5) Corrections on Department records should be made by drawing an ink line through the incorrect information. Enter the correction immediately above and initial the change. 6) No member of the Department shall enter into official Departmental correspondence over the member's signature except in accordance with the administrative orders of the Chief of Police. 7) Numerals should be used when entering dates on Department forms, e.g., 1/1/2000. (Note to reader: the date format used in this manual is dd mmm yy.)

**1.3.4 Knowledge of Department Rules and Regulations** 1) Members of the Department shall familiarize themselves with these rules and regulations and each member shall conform to and abide by the same. 2) These rules are a basis for action and are not meant to be all-inclusive. No member of the Department will be excused from action in accordance with sound judgment merely because a situation is not covered by a rule. 3) All members of the Department shall read and know the contents of all official bulletins, memos, notices and other matter that are posted on the Department bulletin boards or officially distributed within the Department. 4) In case of doubt concerning the application of any rule, regulation, order or directive, the member affected shall promptly consult with his immediate superior for clarification.

**1.3.5 Violation of Rules** Officers shall not commit any acts that constitute a violation of the rules, regulations, directives, or orders of the Department whether or not stated in this manual. Rules, regulations, directives, or other orders shall be posted at area commands, in bureaus and divisions, as well as other departmental areas that are deemed appropriate. Any superior officer of the Department who observes any subordinate violating any rule or regulation and fails to take proper corrective action, shall be in violation of these rules.

**1.3.6 Conformance to Rules/Regulations** All members of the Department shall be subject to and shall obey all rules and regulations, orders, instructions or requirements, whether mentioned in regard to a specific assignment or rank, or in the General Regulations, or emanating from a competent authority from time to time, insofar as may be applicable.

**1.3.12 Incompetence** An Officer shall maintain competency to perform his duty and to assume the responsibility of his position. Incompetence may be deemed by demonstrating the following but is not limited to: 1. A lack of knowledge of the application of laws that are required to be enforced 2. An unwillingness or inability to perform assigned tasks. 3. A failure to conform to work standards established for the officer's rank, grade or position. 4. Repeated poor evaluations or repeated infractions of the rules and regulations.

## **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

In her incident report, file#171021-297 Officer McLaughlin documented among other things that while on scene at 316 Colorado Avenue, she observed a Hispanic male later identified as Mendez, Carmelo (S5), pull away from cover car Amber 21 Officer Hugo Stern when Officer Stern attempted to guide Carmelo off the property by placing his hand on his shoulder. Officer McLaughlin documented Carmelo refused to leave the property stating, "*fuck you I'm not going anywhere*". Carmelo was then guided by cover car Blue 15 Officer Adam Szeps to the ground where he attempted to place Carmelo in handcuffs.

Videos obtained, (video name: **10-21-17 316 Colorado Avenue Berke USB**), captured several different views around the home of 316 Colorado Avenue during the incident on October 21, 2017. By reviewing the video footage which was provided (Exhibit 28. 316 Colorado Avenue video clips) captured on Mr. Mendez's personal cell phone the incident prior to Mr. Mendez being taken down to the ground. In the footage prior to Mr. Mendez being taken down to the ground, at approximately the 13:08 mark of the video footage a viewer can see and hear Officer Hugo Stern state, "Let's go" and motion with his right-hand thumb pointing back over his shoulder toward the street. Then state "Parties over, let's go" but now Officer Stern is out of camera view being that he passed Mr. Mendez. At this point you hear Mr. Mendez state "Don't touch me." Then you hear Officer Stern again say, "Let's go." Mr. Mendez then stated, "This is my sister's house." An unidentified voice then says, "Let's go" and as Mr. Mendez again starts to say, "This is my sister's house" You hear who appears to be Officer Szeps who is out of the view of the camera state, "You're going."

Note: At no time based on the video captured prior to Mr. Mendez being taken down to the ground did Mr. Mendez state, "*He's not fucking going anywhere.*"

Based on Officer McLaughlin's documented report, incident report, file#171021-297 she documented Mr. Mendez stated, "*fuck you I'm not going anywhere,*" it is found to be inaccurate. Mr. Mendez in fact stated, "Don't touch me, this is my sister's house." then again starts to say, "This is my sister's house"

Therefore, Officer McLaughlin is in violation of policies: **1.3.34 Department Reports / Official Correspondence.**

All indications of material evidence, statements, reports and documentation clearly further substantiate a violation of **1.3.4 Knowledge of Department Rules and Regulations / 1.3.5 Violation of Rules / 1.3.6 Conformance to Rules/Regulations**

Having determined that Officer McLaughlin violated the aforementioned policies and procedures based on factual information, additionally substantiates a basis for violations of **1.3.12 Incompetence.** By failure to

accurately document the incident, Officer McLaughlin failed to maintain competency to perform her duty and to assume the responsibility of her position.

## **Conclusion:**

Based on all documentation and reports obtained throughout the course of the investigation and after careful and through review, it is concluded that Officer Natalie McLaughlin violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations.

### **Officer Natalie McLaughlin:**

1.1.6 Appendix A - Oath of Office

1.1.7 Law Enforcement Code of Ethics

1.1.7.2 Performance of the Duties of a Police Officer

1.1.7.6 Integrity

1.3.4 Knowledge of Department Rules and Regulations

1.3.5 Violation of Rules

1.3.6 Conformance to Rules/Regulations

1.3.12 Incompetence

1.3.21 Unbecoming Conduct

1.3.34 Departmental Reports / Official Correspondence

1.3.38 Truthfulness

## **1. Officer Michael Mazzacco Issue # 1 Racial Slur:**

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Officer Michael Mazzacco stated on October 21, 2017, he responded to a call at 316 Colorado Avenue because Officer Natalie McLaughlin asked for more units on scene. The issue presented to the Office of Internal affairs specifically concerning Officer Michael Mazzacco if his contact with Peter Diaz was within clearly established policies/procedures and legal standards set forth by the Bridgeport Police Department.

### **Applicable Standards:**

These applicable standards are taken out of the Bridgeport Police Department Police and Procedure Manual:

#### ***1.1.6 Appendix A - Oath of Office***

I do solemnly swear that I will bear truth faith and allegiance to the United States of America and the State of Connecticut, and will support the constitution and the laws thereof, so help me God.

I do solemnly swear that I will faithfully and impartially discharge and perform all duties incumbent upon me as a police officer of the City of Bridgeport.

I hereby accept the office of Police Officer for the Bridgeport Police Department and agree to obey and be bound by such and regulations as are or may be from time to time, laid down for the government of the Police Department of the City of Bridgeport.

#### ***1.1.7 Law Enforcement Code of Ethics***

All law enforcement officers must be fully aware of the ethical responsibilities of their position and must constantly strive to live up to the highest standards of professional policing.

***1.1.7.1 Primary Responsibilities of a Police Officer*** A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace, and ensuring the rights of all to liberty, equality and justice.

***1.1.7.2 Performance of the Duties of a Police Officer*** A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally and with courtesy, consideration and dignity. Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust that they hold.

***1.3.21 Unbecoming Conduct*** Officers shall not engage in any manner of misconduct or offensive behavior that brings the Department into disrepute or that reflects discredit upon the officer as a member of the Department, or that impairs the operation or efficiency of the Department or the officer.



**1.3.29 Public Contact** 1) While on-duty members of the Department shall not speak disparagingly of the race, creed, color, sex, national origin, or religion of any person. Moreover, because such disparaging remarks may tend to create doubt as to the Department's willingness or ability to serve all members of the community fairly, regardless of race, creed, color, sex, national origin, or religion of any person, members are urged to refrain from such speech at all times. While on-duty members of the Department shall exercise courtesy toward all persons.

**1.3.4 Knowledge of Department Rules and Regulations** 1) Members of the Department shall familiarize themselves with these rules and regulations and each member shall conform to and abide by the same. 2) These rules are a basis for action and are not meant to be all-inclusive. No member of the Department will be excused from action in accordance with sound judgment merely because a situation is not covered by a rule. 3) All members of the Department shall read and know the contents of all official bulletins, memos, notices and other matter that are posted on the Department bulletin boards or officially distributed within the Department. 4) In case of doubt concerning the application of any rule, regulation, order or directive, the member affected shall promptly consult with his immediate superior for clarification.

**1.3.5 Violation of Rules** Officers shall not commit any acts that constitute a violation of the rules, regulations, directives, or orders of the Department whether or not stated in this manual. Rules, regulations, directives, or other orders shall be posted at area commands, in bureaus and divisions, as well as other departmental areas that are deemed appropriate. Any superior officer of the Department who observes any subordinate violating any rule or regulation and fails to take proper corrective action, shall be in violation of these rules.

**1.3.6 Conformance to Rules/Regulations** All members of the Department shall be subject to and shall obey all rules and regulations, orders, instructions or requirements, whether mentioned in regard to a specific assignment or rank, or in the General Regulations, or emanating from a competent authority from time to time, insofar as may be applicable.

**2.7.8 Racial, Ethnic or Sexist Slurs and/or Graffiti** This section establishes a policy prohibiting the inappropriate use of racial, ethnic, or sexist slurs and/or graffiti of BPD employees. A complaint and investigation process are also established to enforce the policy. It is the policy of BPD that no employee, independent contractor or non-employee in the workplace shall communicate any racial, ethnic or sexist slur and/or graffiti that contributes to a hostile work environment, for BPD employees.

## **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

Officer Mazzacco related in his incident report that while on scene he instructed Peter Diaz to move away from officers and to keep his hands off of officers since he had been tugging on Officer McLaughlin's pants, but that Peter Diaz began to act belligerent and to shout profanities by calling him, "A Bitch Ass Nigga" and stated, "I will Fuck You Up. You ain't shit, you can't do shit I'm in a wheel chair" and slapped his hand. Officer Mazzacco documented that Peter Diaz threatened him as well as his family. According to Officer Mazzacco, once assisting units arrived, he advised them that Peter Diaz was under arrest and he was escorted out of the area and to a marked patrol car by the assisting officers. During his interview, Officer Mazzacco acknowledged that all the information documented in his report was accurate and true.

The issue presented to this Officer regarding Officer Mazzacco is his actions which were observed in the video footage provided by Carmelo Mendez and Jose Alvarado. During the video footage, Officer Mazzacco is heard saying to Peter Diaz, *"He is going, I am a Bitch Ass Nigga too right? You are going."* This can be seen at 43 seconds into the video footage provided by Carmelo Mendez. Note that there are still several citizens on scene and who hear the comment made by Officer Mazzacco and Jose Alvarado, who also records this interaction, reacts by saying, "Oh my God" right after Officer Mazzacco's comment.

Policy dictates that on-duty members who of the Department shall not speak disparagingly of the race, creed, color, sex, national origin, or religion of any person. Moreover, because such disparaging remarks may tend to create doubt as to the Department's willingness or ability to serve all members of the community fairly, regardless of race, creed, color, sex, national origin, or religion of any person, members are urged to refrain from such speech at all times. As a result of his comments, one can clearly conclude that Officer Mazzacco was in violation of policies ***1.3.29 Public Contact / 1.1.7.1 Primary Responsibilities of a Police Officer / 1.1.7.2 Performance of the Duties of a Police Officer***

Furthermore, policy prohibits the inappropriate use of racial, ethnic, or sexist slurs and/or graffiti. Even though, Officer Mazzacco repeated the comment made to him by Peter Diaz, *"He is going, I am a Bitch Ass Nigga too right? You are going"* he still was in violation of policy: ***2.7.8 Racial, Ethnic or Sexist Slurs and/or Graffiti.***

Having determined that Officer Mazzacco violated the aforementioned policies and procedures based on factual information, additionally substantiates a basis for violations of ***1.3.4 Knowledge of Department Rules and Regulations / 1.3.5 Violation of Rules / 1.3.6 Conformance to Rules/Regulations.***

Additionally, Officer Mazzacco's behavior could be seen as offensive behavior that brings the Department into disrepute or that reflects discredit upon the officer as a member of the Department, or that impairs the operation or efficiency of the Department or the officer. Thus, violating policy ***1.3.21 Unbecoming Conduct***

## **Conclusion:**

Based on all documentation and reports obtained throughout the course of the investigation and after careful and through review, it is concluded that Officer Michael Mazzacco violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations.

## **Officer Michael Mazzacco:**

**1.1.6 Appendix A – Oath of Office**  
**1.1.7 Law Enforcement Code of Ethics**  
**1.1.7.1 Primary Responsibilities of a Police Officer**  
**1.1.7.2 Performance of the Duties of a Police Officer**  
**1.3.4 Knowledge of Department Rules and Regulations**  
**1.3.5 Violation of Rules**  
**1.3.6 Conformance to Rules/Regulations**  
**1.3.12 Incompetence**  
**1.3.21 Unbecoming Conduct**  
**1.3.29 Public Contact**  
**2.7.8 Racial, Ethnic or Sexist Slurs and/or Graffiti**

## 1. Officer Steven Silva: Issue # 1 Failure to Render Medical Attention

On October 21, 2017 Officer Steven Silva documented, he responded to a call dispatched to Officer Natalie McLaughlin of a noise complaint at 316 Colorado Avenue and she requested back up to her location. Officer Silva stated while in route an update was broadcasted via a radio upgrading the incident to a 10-32 emergency, officers need help. The issue presented to the Office of Internal affairs specifically concerning Officer Steven Silva is that as the transporting Officer of Carmelo Mendez, who was clearly injured as a result of such arrest, is if his failure to provide medical attention was within clearly established policies/procedures and legal standards set forth by the Bridgeport Police Department.

### Applicable Standards:

**3.7.3.9.3 Physically Injured or Ill Prisoners** requiring immediate medical treatment will be transported from the scene to the hospital via ambulance or police cruiser depending upon the seriousness of the injury.

### Application of Standards:

Officer Silva provided a sworn statement to Office of Internal Affairs. Officer Silva was asked if he saw any injuries on Mr. Carmelo Mendez. In his statement Officer Silva stated among other things, "yes, they may have been gotten when he was on the ground with officers on top of him, might have been friction injury. It's possible that he was struck when there were officers in front of him obscuring his vision, but he couldn't say for certain" (Page 15, line 640-651).

Officer Silva stated he assisted Officer Szepts with picking Mr. Mendez of the ground and walking with him placing Mr. Mendez Officer Silva's vehicle. (Page 4, line 150-151) and (Page 18, line 770-774). Officer Silva stated he transported Mr. Mendez to Booking. (Page 30, line 1326-1327).

Officer Silva stated when they arrived in Booking he placed Mr. Mendez in the large holding cell due to the large volume of people that were coming in to Booking. Officer Silva stated he started to process Mr. Mendez and at one-point Officer Silva stated he was looking down at his notepad in his hand and he heard some kind of loud thudding sound. Officer Silva stated he looked up from his notepad and Mr. Mendez had fallen backwards and apparently lost consciousness. Officer Silva stated he immediately called for the medics to assist. Officer Silva stated they opened up the cell to have Mr. Mendez treated and regained consciousness or was somewhat lucid a few moments later. 2 - HIPAA

2 - HIPAA

(Page 5, line 181-188)

This incident was captured on several Booking cameras in this area in Booking. Captured on the Holding Cell rear camera at approximately 11:31:00pm Mr. Mendez was standing in the holding cell handcuffed behind his back and passes out falling to ground and landing on his back. The medics who were already on scene enter the holding cell and tend to Mr. Mendez who appears to gain consciousness at approximately 11:31:58pm. Mr. Mendez is placed in a wheel chair and leaves Booking with the medics at approximately 11:35:58pm.

## **Conclusion:**

Note: Officer Silva had knowledge that Mr. Mendez had been injured on the scene at 316 Colorado Avenue knowingly transported and injured prisoner to Booking while failing to render medical attention. Officer Silva admitted to seeing an injury on Mr. Mendez at 316 Colorado Avenue which was confirmed by the statements of Officer Daniel O'Brien and Officer Andrew Christie who both provided statements regarding seeing an injury to Mr. Mendez's forehead at 316 Colorado Avenue while Mr. Mendez sat in the rear of a police cruiser.

Based on all documentation and reports obtained during the course of the investigation and after careful and through review, it is concluded that Officer Steven Silva violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations:

### **Officer Steven Silva**

1.1.6 Appendix A – Oath of Office

1.1.7 Law Enforcement Code of Ethics

1.1.7.1 Primary Responsibilities of a Police Officer

1.1.7.2 Performance of the Duties of a Police Officer

1.3.4 Knowledge of Department Rules and Regulations

1.3.5 Violation of Rules

1.3.6 Conformance to Rules/Regulations

1.3.12 Incompetence

1.3.21 Unbecoming Conduct

3.7.3.9.3 Physically Injured or Ill Prisoners

**Section VII**

***Office of Internal Affairs***

***Case # 17I-219***

***Findings:***

***Excessive Force: Sustained / Refer to the Chief.***

**Summaries  
Of  
Official Reports  
Transcribed Statements  
Collected Videos  
Pertaining to Investigated  
Police Officers**

1. Police Officer Daniel O'Brien

**Summary of statement given by Officer Daniel O'Brien summarized by Sergeant Milton Johnson, Officer O'Brien stated the following among other things:**

On October 24, 2017, Sergeant Milton Johnson and Sergeant John Klesyk conducted a taped interview of Officer Daniel O'Brien in the Office of Internal Affairs. *See Officer O'Brien's complete statement for specific details.*

Officer O'Brien has been employed with the City of Bridgeport as a Police Officer for approximately 17 years. Officer O'Brien stated that on October 21, 2017, he was assigned to Amber 26, which is his normally assigned post. Officer O'Brien went on to state that when the signal 32 (Officer needs assistance) was called, he was on a quality of life complaint at 165 Seaver Circle. Officer O'Brien also stated that Officer Kamar Gidden, who was assigned to Amber 24, was his cover car.

Officer O'Brien stated he was the last vehicle to arrive on scene. Officer O'Brien stated when he exited his vehicle he observed a male prisoner with a cut on his forehead sitting in the back of a Police vehicle. Officer O'Brien stated he remembered this prisoner saying he dropped his cell phone. Officer O'Brien stated Officer Szeps had a firearm recovered on scene that belonged to the prisoner with the cut on his forehead.

Officer O'Brien stated the situation appeared to be under control and he never made on to the property. Officer O'Brien stated at some point prior to leaving the scene he observed a large oversized pickup truck driving irrational and Officers took him out the vehicle and placed him into custody.

**The undersigned Sergeant has determined Officer Daniel O'Brien has no sustained Bridgeport Police Department Rules and Regulations/ Policy and Procedure violations at this time.**

## 2. Police Officer Kamar Gidden

**Summary of statement given by Officer Kamar Gidden summarized by Sergeant Milton Johnson, Kamar Gidden stated the following among other things:**

On October 25, 2017, Sergeant Milton Johnson and Sergeant John Klesyk conducted a taped interview of Officer Kamar Gidden in the Office of Internal Affairs. *See Officer Gidden's complete statement for specific details.*

Officer Gidden has been employed with the City of Bridgeport as a Police Officer for approximately 1 year. Officer Gidden stated that on October 21, 2017, he was assigned to Amber 24, which is his assigned post. Officer Gidden went on to state that when the signal 32 (Officer needs assistance) was called, he was covering Officer Daniel O'Brien (Amber 26) on a quality of life complaint at 165 Seaver Circle. Officer Gidden stated that once the signal 32 was called, both he and Officer O'Brien left 165 Seaver Circle and proceeded to the area of 316 Colorado Avenue. Officer Gidden stated that they both arrived at the same time.

Officer Gidden stated that when he arrived in the area of 316 Colorado Avenue, the situation was, "pretty much wrapped up", and he performed the self-initiated function of ensuring that people left the area. Officer Gidden stated that he never made it onto the property at 316 Colorado Avenue, due to him seeing other Officers leaving the area. Officer Gidden stated that the Officers communicated to him that the scene was secure.

Officer Gidden stated that he observed one male, whom was wearing grey sweat pants, being put into a police car while he was there. Officer Gidden went on to state that due to the flashing lights he was not able to tell if the party was resisting or injured, but he did hear the individual talking and stating that he didn't do anything. Officer Gidden stated that he did not see any medics on scene. Officer Gidden also stated that he did see Sergeant Delgado while he was on scene.

Officer Gidden stated that he observed no physical struggles between Officers and citizens while he was on scene, nor did he have physical contact with any of the citizens. Officer Gidden again acknowledged speaking to random citizens requesting they vacate the area. Officer Gidden also stated that one of the sergeants directed those in custody to be transported to booking. That is when he turned around and headed back to his patrol car. Officer Gidden added that once the area was secured, he returned to his own post, caught up on paperwork, and resumed patrol until the end of his shift.

**The undersigned Sergeant has determined Officer Kamar Gidden has no sustained Bridgeport Police Department Rules and Regulations/ Policy and Procedure violations at this time.**



### 3. Police Officer William Arroyo

**Summary of statement given by Officer William Arroyo summarized by Sergeant Milton Johnson, Officer Arroyo stated the following among other things:**

On October 26, 2017, Sergeant Milton Johnson and Sergeant John Burke conducted a taped interview of Officer William Arroyo in the Office of Internal Affairs. *See Officer Arroyo's complete statement for specific details.*

Officer Arroyo has been employed with the City of Bridgeport as a Police Officer for approximately 10 years. Officer Arroyo stated that on October 21, 2017 he was assigned to Blue 14, along with Officer Bobby Hernandez. Officer Arroyo stated that he requested and was granted "Comp Time" (compensatory time off), from Sergeant Delgado, and as such went off duty at 9:00pm.

Officer Arroyo stated that he notified the CAD Supervisor that he was leaving at 9:00pm, and that Officer Hernandez would be solo for the remainder of the shift. Officer Arroyo was not on duty at the time of the incident, and never responded to 316 Colorado Avenue.

**The undersigned Sergeant has determined Officer William Arroyo has no sustained Bridgeport Police Department Rules and Regulations/ Policy and Procedure violations at this time.**

#### 4. Police Officer Bobby Hernandez

##### **Summary of Police Report authored by Officer Bobby Hernandez**

I, P/O B. Hernandez of car Blue 14 responded to a service call regarding a noise complaint at the location 316 Colorado Ave. as a cover unit for P/O N. McLaughlin of car Blue 11. Upon our arrival officers overheard loud music coming from the backyard of the reported location and proceeded through the driveway to further investigate. P/O McLaughlin and I, then attempted to speak with the owners of the home who were located in the backyard of the residence (Wanda Mendez) and (Fernando Morales). When we made them aware of the noise complaint Fernando immediately became belligerent, yelling "This is my house get the fuck out of here" and "Fuck the neighbors". This behavior incited other party attendees to become belligerent by disobeying the repeated commands of officers to calm down. It should also be noted this belligerent behavior was in the presence of several minors attending the party.

At this point several of the attendees at the party became involved in the altercation, some of them attempted to calm down Fernando and others became confrontational toward officers. It was at this time P/O Mazzacco of car Blue 12 arrived to assist and after several failed attempts by all officers on scene to gain control of the situation, P/O Mazzacco called for additional units to respond.

As cover units arrived all officers on scene proceeded to place the individuals causing the disturbance, under custodial arrest. During the altercation, I assisted P/O Szeps with the arrest of Carmelo Mendez along with several officers on scene after a fellow officer yelled "He has a Gun!". Detective Fortes, who was also assisting with the arrest grabbed my service baton from my holster and pried his left arm from underneath Carmelo's chest. I then gained control of his left hand and guided his arm behind his back to be handcuffed.

Note: At this time, Carmelo was on the floor in the prone position resisting several officers who were attempting to place him under custodial arrest.

After officers gained control of the situation, I obtained the names and date of birth of two of the party attendees who stated they would place the children in the house under their custody.

Thalia Miranda / D.O.B. [REDACTED] and Jonathan Virella / D.O.B. [REDACTED]

Thalia initially refused to cooperate with officers regarding the investigation and would not allow officers inside the home to conduct a wellbeing check on the children attending the party.

##### **Summary of statement given by Officer Bobby Hernandez summarized by Sergeant Larry Lazaro, Officer Hernandez stated the following among other things:**

On October 26, 2017, Sergeant Santiago LLanos and Sergeant Jesse Pizarro conducted a taped interview of Officer Bobby Hernandez in the Office of Internal Affairs. *See Officer B. Hernandez's complete statement for specific details.*

Officer Hernandez has been employed with the City of Bridgeport as a Police Officer for approximately 2 years. Officer Bobby Hernandez stated that on October 21, 2017, he was assigned to car Blue 14 on October 21, 2017. Officer Bobby Hernandez stated Blue 14 is a two-man car, however on this night his partner Officer William Arroyo utilized compensatory time and left work at approximately 2100hrs.

Officer Bobby Hernandez stated he recalled the original call came in as a noise complaint and that Blue 11, Officer McLaughlin was assigned the call and he was assigned as the cover unit by CAD. Officer

Bobby Hernandez stated he and Blue 11 Officer McLaughlin arrived at the same time and therefore approached the driveway to 316 Colorado Avenue on foot together. Officer Bobby Hernandez stated as they approached the driveway you could already hear the music playing very loudly coming from the rear of the house.

Officer Bobby Hernandez stated as soon as they reached the rear of the residence a male later identified as Fernando Morales immediately became belligerent stating "What the fuck are you guys doing here, get the fuck off my property, fuck the neighbors." Officer Bobby Hernandez stated Mr. Fernandez was trying to get up in his face and some of the attendees at the party were trying to hold him back.

Officer Bobby Hernandez stated they tried to calm Mr. Fernandez down, but he wouldn't cooperate. Officer McLaughlin tried to mediate, and Officer Bobby Hernandez stated he tried to get people to talk to Mr. Fernandez to try and calm him down, but it got chaotic as several party attendees tried to hold Mr. Fernandez back from getting in the Officers face.

Officer Bobby Hernandez stated at that point Officer Mazzacco who has more experience came in and saw the situation. Officer Bobby Hernandez stated there were only three of them (Officers) and what he believed to be approximately 50 party goers. Officer Bobby Hernandez stated Officer Mazzacco noticed the belligerent behavior and how they were acting towards them when you have to hold somebody back from talking to a cop and getting in their face not knowing what the guy's going to do. Officer Bobby Hernandez stated the situation was getting scary. Officer Bobby Hernandez stated they were in a tough situation because they were now being surrounded. Officer Bobby Hernandez stated they had to step back a little bit and Officer Mazzacco called the 10-32, (Officer Needs Assistance).

Officer Bobby Hernandez stated as Officers began arriving another individual became disruptive and Officer Szeps wrestled him to the ground to hand cuff him. At that point, all available Officers on scene proceeded to pile on top of the individual who refused to comply with Officer's orders. Officer Bobby Hernandez stated this individual was now lying down on the ground in a prone position with his hands underneath his chest. The individual lay in a prone position on the ground with his hands under his body, refusing to show them and allow Officer Szeps to handcuff him. Officer Bobby Hernandez stated he approached them to assist and someone yelled out "He has a gun!".

Officer Bobby Hernandez stated he was trying to get his arm out and Detective (Fortes), asked, "Anybody's got a baton, anybody's got a baton." And Officer Bobby Hernandez stated he was securing the subject with his hands but informed Detective Fortes he had a baton on his duty belt. Officer Bobby Hernandez stated he angled toward Detective Fortes and Detective Fortes grabbed his service baton from Officer Bobby Hernandez's duty belt, deployed it and used the pry bar method. Officer Bobby Hernandez stated Detective Fortes pried the subjects (Mr. Mendez) arm out and Officer Bobby Hernandez grabbed the subjects (Mr. Mendez) left arm so he could be placed in handcuffs. Officer Bobby Hernandez stated after that, Detective (Fortes), gave him back his service baton.

Officer Bobby Hernandez stated he didn't strike Mr. Mendez nor did he see any Officers strike Mr. Mendez and did not see any injuries on Mr. Mendez because he walked away after Mr. Mendez was handcuffed.

Officer Bobby Hernandez stated he then joined the other Officers doing crowd control where he did get the names of two individuals and performed background checks on them via dispatch. He then attempted to gain entrance into the house to check the welfare of the children that were inside however, he was not permitted to enter the residence.

Officer Bobby Hernandez was then ordered by Sergeant Delgado to complete an addendum and a use of force report. Officer Bobby Hernandez then cleared 316 Colorado Avenue and drove to booking. While in booking he observed Officer Szeps processing his suspect and the gun which had been called out on scene. There were too many Officers in booking therefore Officer Bobby Hernandez was forced to complete his reports in the patrol dayroom.

While in the dayroom completing his reports another 10-32 was called out and Officer Bobby Hernandez responded to that as well. He then returned to the patrol dayroom and completed his reports. Upon completing his reports, he then went back up to booking to speak with Officer McLaughlin while Sergeant Delgado checked over and signed his paperwork.

**The undersigned Sergeant has determined Officer Bobby Hernandez has no sustained Bridgeport Police Department Rules and Regulations/ Policy and Procedure violations at this time.**

## 5. Detective John Cholakian

### **Summary of statement given by Detective John Cholakian summarized by Sergeant Lawrence Lazaro, Detective Cholakian stated the following among other things:**

On October 26, 2017, Sergeant Lawrence Lazaro and Sergeant Milton Johnson conducted a taped interview of Detective John Cholakian in the Office of Internal Affairs. *See Detective Cholakian's complete statement for specific details.*

Detective Cholakian has been employed with the City of Bridgeport as a Police Officer for approximately 8.5 years. Detective Cholakian stated that on October 21, 2017 he was on duty in the Detective Bureau at his desk when he heard the 10-32 called on the radio. Detective Cholakian stated he was told by

Detective McKenna who was also in the office "Let's go" and he and Detective McKenna responded to 316 Colorado Avenue. He stated upon arrival he observed seven to ten patrol units parked on the street forcing them to park their vehicle several houses away and proceed on foot.

Detective Cholakian stated as they approached house #316 they observed a great deal of commotion amongst the Officers already on scene and could hear yelling and screaming. He stated he observed a Fairfield Officer and possibly a Trumbull Officer on scene. Detective Cholakian stated people were being dispersed by the Officers and some were leaving. Others were being arrested or detained while Officers attempted to establish order.

Detective Cholakian stated as he and Detective McKenna made their way to the rear of the house to determine if Officers were still in need of assistance he observed an individual that appeared at the time to be a Caucasian or Hispanic male on the ground being detained by several Officers who were attempting to hand cuff him however, the individual proceeded to resist, refusing to allow the Officers to hand cuff him.

Detective Cholakian stated while attempting to handcuff the individual Detective Cholakian heard someone yell "gun" at which time the Officers recovered the gun, hand cuffed the individual, stood him on his feet and escorted him to a patrol unit. During this time Detective Cholakian stated he could hear the individual proclaiming to the Officers "I have a permit for that weapon"! (Page 14, line 629)

Detective Cholakian stated as the individual was being led to the patrol unit by Officers, he observed the individual was bleeding from his left temple. Detective Cholakian stated while on scene he observed Sergeant Scillia, Sergeant Lyons and possibly Sergeant Niestemski as well. Detective Cholakian stated Sergeant Scillia was giving verbal commands to Officers on scene and instructing them to transport their prisoners to booking at 300 Congress Street.

Detective Cholakian stated while on scene he did observe a gun and an Officer making the gun safe however, he does not recall the identity of the Officer and he did not actually see the gun in the individual's hand because there were several Officers on top of him attempting to gain compliance. Detective Cholakian stated the only Officer he recognized on top of the individual was Detective Fortes (Kenneth). Detective Cholakian stated he observed Detective Fortes on the individual's right side assisting the Officers in gaining the individuals compliance while holding what appeared to him to be a baton as Officers were ordering the individual to "stop resisting". He believes it was a baton because of the distinctive sound the ASP baton makes upon its deployment.

Detective Cholakian stated Detective Fortes appeared to have taken the baton from another Officer's belt who was on scene. Detective Cholakian stated could not clearly see what Detective Fortes did with the

baton however, he did observe an Officer that he could not identify now repeatedly punching the individual that was on the ground.

Detective Cholakian did not hear any medical personnel called to the scene via his police radio, nor did he observe any medical personnel on scene. He and Detective McKenna left the scene of their own accord and were not ordered to leave by any supervisor however, as they departed they could hear Sergeant Scillia ordering some of the other cars to depart the scene. Detective Cholakian states he and Detective McKenna then returned to the Detective Bureau and did not report to booking and they did not complete any reports regarding this incident.

**The undersigned Sergeant has determined Detective John Cholakian has no sustained Bridgeport Police Department Rules and Regulations/ Policy and Procedure violations at this time.**

## 6. Detective Kenneth Fortes

### **Summary of Official Explanatory Report authored by Detective Kenneth Fortes on 10/25/17.**

Detective Kenneth Fortes reports that he was halting an investigation for the night and preparing for his return to the detective bureau when a distressed voice in a call from B-11 came over the radio. Detective Fortes relates that it was Officer Natalie McLaughlin, but that he did not know what was happening or where she was and since he was not sure of what he heard, he waited until further information to come over. Detective Fortes states that upon hearing dispatch call a 10-32 (Officer needs assistance) he immediately responded to Colorado Avenue following other officers to the scene.

Detective Fortes indicates that upon his arrival, the scene was being cleared by officers and he was passed by several groups of suspects being detained by officers on their way out towards the patrol cars for transport. Detective Fortes notes that suspects were in different stages of resistance, some kicking back, others dragging their feet, all speaking with belligerence to their attending officers. Detective Fortes states that none of the officers passing appeared to need his assistance at that time so he proceeded to the rear yard of the residence.

Detective Fortes conveys that as he approached the rear of the structure, he observed a heavy set (220 + pounds), Hispanic Male, in a dark jacket, with what he counted to be 3 officers, behind him, attempting to arrest him. Detective Fortes states that the officers had his arms and back and were rapidly losing control of him as he struggled, and the entire group was heading towards him, and his knees, as he was walking to the backyard. According to Detective Fortes, it was then that he heard the suspect say, "Damn right I've got a gun!" Detective Fortes explains that as the suspect was appearing to break free, he performed a modified sprawl maneuver by making the suspect prone before he could get completely free. Detective Fortes notes that he did not want both of them landing on the ground and wanted to save his knees, which were both injured in previous arrests.

Detective Fortes articulates that while executing a knee platform, as per his training in L.O.C.K.U.P. (Law Officers Combat Kinetics Unarmed Panoply), to facilitate handcuffing the suspect, the suspect turned, causing him to brace against him to keep him from rolling out of everyone's grip. Detective Fortes explains that once that was stopped, another officer appeared to his right and helped get the suspect prone again, all while the suspect was actively resisting. Detective Fortes continues that he resumed a knee platform on his left shoulder blade, but the suspect managed to get his arms under himself and would not present them at their requests, so that he could not complete the L.O.C.K.U.P. maneuver.

Detective Fortes states that he then heard an officer say, "He's got a gun!", and felt an immediate sense of danger and with that he asked the surrounding officers, "who has a baton?" Detective Fortes states that at that moment, he saw an unidentified officer (Officer Bobby Hernandez) who was bent over and trying to assist, with his baton within reach of him. Detective Fortes relates that he seized his baton, extended it, and placed it in between the suspect's arm and his body, and used it to pry and control the suspects left arm as per his training received in L.O.C.K.U.P. techniques. Detective Fortes documents that this compelled the suspect to release his other arm, which officers immediately seized, and struggled with him to handcuff, and applied an arm control technique, as per training received in L.O.C.K.U.P., and with help from another officer put the arm in position for handcuffing, which went smoother, and with no injury to the suspect. Detective Fortes states that he released the knee platform, and the suspect was risen to his feet by officers and transported. Detective Fortes indicates that he gave the baton back to Officer Hernandez and continued to survey the scene.

Detective Fortes notes that the scene was now under control and all other belligerent parties had either left or been arrested, but he then observed two people, a male and female, who were refusing to cooperate

with officer's attempts to check the welfare of the children who had attended the party. Detective Fortes states that after talking with the investigating officers, the "couple" decided to cooperate and identified themselves as caretakers and he then left the scene and returned to his previous activity. *Note:* Detective Fortes also wrote an explanatory report which contains the same exact information documented on his incident report.

**Summary of statement given by Detective Fortes summarized by Sergeant Fabio Pereira, Detective Fortes stated the following among other things:**

On October 26, 2017, Sergeant Santiago Llanos and Sergeant John Burke conducted a taped interview of Detective Kenneth Fortes in the Office of Internal Affairs. *See Officer Fortes' complete statement for specific details.*

Detective Fortes has been employed with the City of Bridgeport as a Police Officer for approximately 10 years. Detective Fortes stated that on October 21, 2017 he responded to 316 Colorado Avenue after a 10-32 Officer Needs Assistance call was initiated. Detective Fortes stated he responded to the location alone and described the scene as chaotic and related that there were several Officers on scene and recalled persons being arrested and handcuffed. Detective Fortes indicated that the people at the party were angry and belligerent and he smelled alcohol. Detective Fortes added that there was resistance from just about every single party that he saw coming out of there.

Detective Fortes stated he observed a suspect who was not handcuffed being escorted out of the property that began to struggle to get free of the Officers. Detective Fortes stated the suspect was actually making his way free at which point he assisted in taking a hold of the suspect and going into a sprawl maneuver in order not to hurt his knees. Detective Fortes notes that he has been trained for this type of maneuver and also that his knees were injured from a previous arrest.

Detective Fortes explains that the knee platform is where you place someone into the lock-up position on one knee and depending on which side of the body that you are on, you have control of that arm and then you can get the other arm into a handcuffing position. Detective Fortes articulates that it makes the handcuffing a lot easier and puts the subject in compliance where you have control and can actually get your hands free. Detective Fortes states that in this case, he was not able to get Carmelo Mendez hands free, so he had to maintain control of the arm.

Detective Fortes related that he was ordering Carmelo Mendez to stop resisting and to show him his hands. Detective Fortes stated at this point he heard someone yell out "Gun" at which point he felt he was in immediate danger and knew he had to act. Detective Fortes stated he then took a baton from one of the Officers on scene and did a one hand extension since his other hand was on the suspect. Detective Fortes related that he did not actually see a gun or handle a gun during his interaction with Carmelo Mendez. Detective Fortes stated that when he landed, his hands were underneath him and furthered that the suspect continued to struggle and rolled around refusing to show his hands when he was given verbal command to do so. Detective Fortes indicates that he was in the front towards the head / shoulder area of Carmelo Mendez.

Detective Fortes related that he used the baton to pry the arm out from underneath the suspect but that he could not get close enough to place him in the LOCKUP position. Detective Fortes indicates that the officers were able to grab Carmelo Mendez's arm and he came back around and did another control maneuver, so he would both the arms together. Detective Fortes states that once Mr. Mendez was handcuffed, he handed the baton back to Officer Hernandez but was unsure if he was the Officer who he originally retrieved it from. Detective Fortes states during the interview that when Carmelo Mendez was on his way out, he heard him saying, "Damn right. I got a gun." (Fortes 338-339)



According to Detective Fortes, he does not know who handcuffed Carmelo Mendez and was only concerned that the handcuffs went on and that his hands were secured. Detective Fortes stated that Officer Hernandez assisted in handcuffing Carmelo Mendez and that there were two others who were trying to get him under control and pointed out that Carmelo Mendez was violent. Detective Fortes estimated the struggle to take place in approximately a minute and that his control maneuvers in his opinion were effective in gaining control of the suspect. Detective Fortes revealed that he is an instructor in the baton.

Detective Fortes conveyed that he did not use any additional force on Mr. Mendez or anyone on scene and did not strike Carmelo Mendez with the baton. Detective Fortes noted that it took approximately five Officers to subdue Mr. Mendez and stated he only knew the names of Officer Bobby Hernandez, Officer McLaughlin, Officer Topolski, and Sergeant Lyons. Detective Fortes relates that Detectives Kenneth McKenna and Detective John Cholakian were also on scene.

Detective Fortes stated he did not strike Mr. Mendez nor did he see any other Officers on scene strike Mr. Mendez. Detective Fortes reports that he does not recall who handcuffed Mr. Mendez but he did back away and let the Officers take control of Mr. Mendez once he was handcuffed. Detective Fortes furthered he walked away and stayed in the immediate area just in case his assistance was further needed. Detective Fortes discloses that he had his keys on him and possibly putting it away in his pockets. Detective Fortes also explained that a lot of the partygoers had their cell phones out and could have caught his interaction with Mr. Mendez, but he himself did not record anything.

Detective Fortes related that on the day of the incident he did not write a use of force form and claims that he asked around if he had to which included speaking to a supervisor on scene. Detective Fortes indicated that he could not remember which supervisor he spoke to on scene. Detective Fortes stated that he did not complete an Use of Force and instead completed an addendum on 10/25/18 which he put in Sergeant Delgado's departmental mail box. Detective Fortes explained that he was having problems switching the document from word to an addendum.

According to Detective Fortes, he was instructed by Sergeant Delgado to do an addendum when he saw him in front of the Military Academy. **Note: Sergeant Delgado stated that he had read in Officer Hernandez's report that Detective Fortes used a baton in the arrest of Carmelo Mendez. Sergeant Delgado reports that he saw Detective Kenneth Fortes on Monday (10/23/17) while he was working a road job and requested for Detective Fortes to complete a Use of Force.**

Detective Fortes stated that he did not go to Booking after the incident and that he mentioned the incident to his supervisor, Sergeant John Losak, whom he saw at the end of the night.

**Summary of Official explanatory report authored by Sergeant John Losak to Lieutenant Brian Dickerson**

Sergeant John Losak reports that on 10/28/2017, Detective Kenneth Fortes turned in his Use of Force report and related that he was off the following day and on the 30<sup>th</sup>, he started to complete a supervisor's cover sheet but felt that he would not have all the information to make a final determination on the use of force. Sergeant Losak indicates that after his phone conversation on the 31<sup>st</sup> and knowing that the Office of Internal Affairs has an open investigation it was determined that the best solution would be to forward the Use of Force report to the Office of Internal Affairs without a cover sheet.

**Summary of Video Footage provided by Attorney Robert Berke capturing the conduct of Detective Kenneth Fortes.**

By reviewing this video footage under Channel 1, which faces North of 316 Colorado Avenue, Detective Fortes is observed walking towards the house at 10:28:47. Under Channel 6, which faces the driveway of 316 Colorado Avenue, Detective Fortes is observed walking in at 10:29:25. Note that this video footage does not have audio. Detective Fortes then walks towards Carmelo Mendez behind Officer Hugo Stern, Officer Adam Szeps, and Sergeant Delgado. At 10:29:35 when Officer Szeps grabs a hold of Carmelo Mendez and starts to bring him down, Detective Fortes is right behind him. At this time, Carmelo Mendez falls towards Detective Fortes knees and Detective Fortes goes down with him.

Note that Detective Fortes states that he assisted in taking a hold of the suspect and going into a sprawl maneuver in order not to hurt his knees. In his report, Detective Fortes notes that there were 3 officers (Officer Hugo Stern, Officer Adam Szeps, and Sergeant Delgado) that were attempting to arrest him and that they were losing control of him. The only resistance documented in the reports by Carmelo Mendez is the swiping of the arm when he was touched by Officer Stern. Detective Fortes documents that the entire group was heading towards him and his knees which is verified by the video footage.

Detective Fortes lands on the right-side shoulder / head area of Carmelo Mendez and it appears that he is attempting to get control of Carmelo Mendez. At this time several officers converge on Carmelo Mendez. At 10:29:57, Detective Fortes is observed reaching towards Officer Bobby Hernandez's duty belt and grab his baton. Detective Fortes then extends the baton using his right hand and turns towards Carmelo Mendez who is at this time laying on his stomach. Detective Fortes reports both in his report and statement that at he uses the baton to pry the arm out from underneath the suspect, however, because there are other officers on top of Carmelo Mendez, a viewer cannot see Detective Fortes using the baton.

Detective Fortes stays on the ground next to Carmelo Mendez for a few more seconds and once he is handcuffed, Detective Fortes stands up and then hands Officer Bobby Hernandez his baton back to him and puts something in his pocket, however, it cannot be determined what the item is. Detective Fortes also put his hat back on. Detective Fortes then walks toward the back of the driveway / porch area out of camera view. Detective Fortes stays in the driveway area for a few minutes and is observed leaving out of the driveway and 10:37:40 and walks out to the front of the house. Detective Fortes is then observed under Channel 1 walking towards his vehicle at 10:38:02.

**Summary of Video Footage provided by Carmelo Mendez capturing the conduct of Detective Kenneth Fortes.**

By reviewing this video footage, Detective Fortes is walking behind Officer Hugo Stern, Sergeant Delgado, and Officer Adam Szeps towards him at 02:55. Officer Stern then tells Carmelo Mendez, "Let's go, party is over." Carmelo Mendez respond by saying, "Don't touch me, this is my sister house" while Officer Stern is again saying, "Let's go." Officer Szeps then says, "You're going" (03:06) and the camera goes blurry. At 03:09, Carmelo Mendez is heard saying, "Yo he just hit me" and Officer Szeps is also heard saying, "He's got a gun, he's got a gun." (03:12)

**Summary of the Instruction Certifications of Detective Kenneth Fortes**

Detective Fortes is a certified instructor (Certification # 2727 Effective 12/21/10 through 11/30/19) in the following subjects:

- Use of Force (209)
- Firearms (301)

- Shooting Decisions (301A)
- Patrol Rifle (301B)
- Use of Less Lethal Force (baton) (A)
- Use of Less Lethal Force (OC) (302B)
- Handcuffing (301A)
- Defensive Tactics (306B)

**The undersigned Sergeant has determined, based on the statement of Detective Kenneth Fortes coupled with the facts and circumstances revealed and obtained during the course of this investigation, that the preponderance of evidence has been substantiated to conclude Detective Kenneth Fortes has violated Bridgeport Police Policy and Procedures/Rules and Regulations.**

## 7. Sergeant Stacy Lyons

**Summary of Sergeant Stacy Lyons statement summarized by Sergeant Milton Johnson, Sergeant Lyons stated the following among other things:**

On October 27, 2017, Sergeant Milton Johnson and Sergeant Jessie Pizarro conducted a taped interview of Sergeant Stacey Lyons in the Office of Internal Affairs. *See Sergeant Lyons' complete statement for specific details.*

Sergeant Lyons has been employed with the City of Bridgeport as a Police Officer for approximately 10 years. Sergeant Lyons stated that on October 21, 2017, she was assigned to the Webster Bank Arena Hockey Game Traffic Detail Supervisor on overtime. Sergeant Lyons went on to state that she was composing an email message back at her office when the signal 32 was called.

Sergeant Lyons stated that she arrived at what she described as towards the very end. Sergeant Lyons stated as she entered the property she observed a few Officers on the ground fighting, but she did not know who the Officers were. Sergeant Lyons stated she heard somebody within the group of Officers yell "gun", but she ran around them and dealt with four to five citizens that were in the back yard and ensured that they stayed seated and away from the police action. Sergeant Lyons also stated that she made sure that nobody was behind the garage area hiding attempting to conceal a weapon.

Sergeant Lyons stated that she authoritatively told a younger couple to sit where they were and told an older couple to stay back (from the group of Officers that were physically engaged with a suspect). Sergeant Lyons stated the young couple were telling her that the Police had no right to come on their property. Sergeant Lyons stated she explained to them that if they stood up or got in the way, they could be arrested. Sergeant Lyons explained that her purpose for engaging people was because she heard the word "gun" and she wanted to make sure that the people did not get involved in what was going on elsewhere on the property.

Sergeant Lyons stated that she did not feel as though she was in danger, while she was there, and felt as if the situation was coming towards an end. Sergeant Lyons went on to state that although she knew that there were a bunch of Officers on the ground fighting with someone, she did not get involved as she didn't feel as though she could have helped with that situation.

Sergeant Lyons stated that she did not see anyone resisting arrests, nor did she see anyone assaulting any Police Officers. Sergeant Lyons also stated that she used no force while she was at the scene. Sergeant Lyons stated that she did not know if anyone on scene was intoxicated and when the situation was over, she returned to the animal shelter and finished the email for her overtime assignment. The undersigned Sergeant has determined Sergeant Lyons did not commit any Bridgeport Police Department Policies and/or Procedures violations at this time.

**The undersigned Sergeant has determined Sergeant Stacy Lyons has no sustained Bridgeport Police Department Rules and Regulations/ Policy and Procedure violations at this time.**

8. Sergeant Paul Scillia

**Summary of Official Explanatory Report authored by Sergeant Scillia to Lieutenant Sapiro.**

On October 22, 2017, the following statement was composed and signed by Sergeant Paul Scillia and was addressed to his supervisor Lieutenant Sapiro. This statement was dated 10/22/17 and documented Sergeant Scillia's account of his conduct with Mr. Peter Diaz while he was booking on 10/21/17. Mr. Diaz was arrested on 10/21/17 at 316 Colorado Avenue and had been transported to booking. Sergeant Scillia makes no reference to his conduct while at 316 Colorado Avenue concerning Mr. Mendez which is later explored during his interview with the undersigned investigator on October 27, 2017.

"To: Lieutenant Sapiro  
From: Sergeant Paul Scillia  
Date: 10/22/17  
Regarding: Booking Facility Prisoner

Sir,

On the above date, about 2330 hours I was assisting the Booking Staff with a belligerent Prisoner who was in Cell 7 who needed to go to the hospital due to a complaint of injuries. As the Medics were attempting to seat this Prisoner Diez, Peter [redacted] - CGS Sec. in a Stair Chair one of his seat belts became unfastened. Seeing this I reattached the plastic buckle, but the belt was still loose. I tried to tighten up the belt across his body, so he wouldn't fall out of said chair once in motion. I used my right hand and as it was tightening the belt had more give than I thought, and my hand slipped causing the outside of my right hand to come in contact (bumping) into Diez's chin area. No injury occurred. Diez accused me of striking him. It was obviously him continuing to be belligerent.

Then the Medics began to move the chair in the tight area between Cell 7, and the ramp area, Diez was in. Believing they were moving him one way, I began to step in another direction and my right foot accidentally made contact with his feet. Again, Diez accused me of kicking him. Diez then left for medical treatment." **End of Statement**

**Summary of statement given by Sergeant Scillia summarized by Sergeant John Burke, Sergeant Scillia stated the following among other things:**

On October 27, 2017, Sergeant Santiago Llanos and Sergeant John Burke conducted a taped interview of Sergeant Paul Scillia in the Office of Internal Affairs. *See Sergeant Scillia's complete statement for specific details.*

Sergeant Paul Scillia stated amongst other things he has been a police officer for fifteen years and is presently a sergeant in the patrol division working on the C shift between the hours of 16:00 hours and 24:00 hours. Sergeant Scillia stated his call sign is CPS. He explained the call sign is related to the VCI (Violent Crime Initiative). CPS now referred to as the VCI has officers who have call signs of CP 1 through CP 4. The acronym VCI was defined by Sergeant Scillia as the Violent Crime Initiative a proactive group of officers who target areas of city having spikes in crime. In addition to other areas of the city the Chief of Police would like the unit to work, in an effort to bring down crime statistics pertaining to the crimes of robbery, burglary and other related crimes. They, the (VCI) also work with other law enforcement agencies.

Sergeant Paul Scillia stated he was working on the evening of October 21, 2017 as CPS and his supervisor was Lieutenant Robert Sapiro. Sergeant Scillia explained he reports to Deputy Chief James

Baraja in relation to his tasks. When in a patrol setting, he reports directly to the person in charge above him who may be in charge of patrol or whoever the Lieutenant may be.

Sergeant Paul Scillia stated on October 21, 2017 he responded to a call at 316 Colorado Avenue because a 10-32 was called out by an Officer on scene who needed help. Sergeant Scillia explained a 10-32 meant an officer was in distress. He explained a 10-32 is a more heightened signal than just asking for regular cover to come help out. A 10-32 meant there is something violent occurring or something is causing the Officer to fear for his safety and because of this everyone who can responds to the location.

Sergeant Scillia responded to 316 Colorado Avenue from the East Side of the City and upon his arrival the incident was winding down. Upon his arrival there was yelling, screaming and it was a loud bad scene. It was a chaotic kind of scene but appeared officers were gaining control of it.

Officers were taking people out in handcuffs, down the driveway and out to their cars. Sergeant Scillia states he made his way down the driveway and a couple of males were being belligerent; he did not know who they were. There were other people sitting down, he guessed, these people were the ones behaving. They were just sitting there being compliant, he guessed, Officers were talking with other people and other males.

As Sergeant Scillia walked in, there was a guy walking a sport bike out, trying to get on it, and having an issue getting on it. This guy kind of fell over and Sergeant Scillia tried to help pick him up. His bike fell into Sergeant Scillia causing him to fall into a van. Sergeant Scillia helped push him up again and right him on his bike. Sergeant Long walked up to Sergeant Scillia and asked "Hey, is this guy wanted for anything, can he leave?" Sergeant Scillia responded "Dude, ah, he had to walk through a bunch of cops. I think he's okay." Sergeant Scillia went on to explain he did not recall talking to any individual citizens other than the interaction he had with this guy (the guy on the sport bike). Sergeant Scillia stated he was not sure if he saw any children on scene.

As Sergeant Scillia walked down the driveway, "at his 4 o'clock," he heard somebody say "it" and thought it was Officer Szeps, "This guy got to go to jail." Sergeant Scillia looked, and guessed, Officer Szeps meant to get the suspect (Mr. Carmelo Mendez) and not let him be placed in handcuffs but to be grabbed from behind and for whatever reason the suspect kind of like stepped at Sergeant Scillia. Sergeant Scillia stated he did not think the suspect was pushed but it seemed like he was pushed. Sergeant Scillia did not recall if he made contact with the suspect at this point or not but then the suspect went to the ground and a bunch of other Officers got on top of the suspect. At this point Sergeant Scillia walked around to the rear of the pile where the suspect was "trying to get arrested or was half trying to resist" (page 6, line 243-243) and an Officer was trying to handcuff him.

Sergeant Scillia could see the suspect's legs flapping up and down; this was the only thing that was really visible to Sergeant Scillia of the suspect. Sergeant Scillia heard Officers and felt it was a ruckus, he could not pinpoint in particular what every Officer was saying by any means or who was on top of the suspect. Sergeant Scillia knew there were a lot of bodies on the suspect trying to get his hands and then he heard somebody yell, "Gun, gun, gun." Sergeant Scillia walked around to the side of the pile because he just did not know where to put himself. He explained, when you hear "that" (Gun, gun, gun), you just don't know what to do with yourself. Sergeant Scillia stated he was not really actively trying because there was no room for him to try and help.

Sergeant Scillia heard somebody say, "I got the gun, I got the gun" shortly after hearing "I got the gun, I got the gun" the suspect was handcuffed and everybody kind of got off of the suspect (Mr. Carmelo Mendez). The suspect was laying there in handcuffs. Sergeant Scillia said, all right, come on we have to get him up and get him in a car. *Sergeant Scillia said he attempted to hook his arm around the suspect to*

*pull him up and the suspect was heavier than he thought. The suspect kind of, like either, threw him off balance or he started falling down with the suspect and other Officers saw this, Officer Szeps was one of them. The other Officers helped pick the suspect up on his feet and another Officer or two walked down the driveway with suspect. Sergeant Scillia said this was the only contact he had with the suspect.*

Sergeant Scillia walked back out to the street and was trying to help the supervisors. One of the supervisors figured out who had bodies (suspects) in their cars and had to go to booking, it was a traffic jam now; Sergeant Scillia said this was mainly it. Sergeant Scillia further explained he knew that another civilian (Mr. Jose Rosario) was in a car flying through the street, almost hitting them (Officers) and had to be stopped. This civilian was arrested for reckless driving, that was really it, and Sergeant Scillia stated he then went to booking.

Sergeant Scillia was asked if at any time he felt like he was in immediate danger. He said during the whole event they were all in pretty much danger. The scene was not under control just yet when he got there, as far as he was concerned, it was still a safety issue for the Officers. They were winding down getting control, but they didn't have control yet. He did not feel he or any Officers had control of the environment yet; "do I feel directly like my life was in danger? On some point-on some level sure." (Page 8, line 355-356)

Sergeant Scillia was asked if he helped with the arrest of the individual on the ground (Mr. Mendez). *Sergeant Scillia said the only contact he had with the guy, the gentleman with the gun, he thought, was when the suspect was shoved into him initially. Sergeant Scillia could not remember but thought the suspect might have bounced off of him. Sergeant Scillia stated all he remembered was the guy going to the ground and Officers piled on him. He could not get in there to help because there was no room, so he went to where the suspect's feet were and did not know what else to do other than keep security for Officers. He did this so nobody from the back would come running in, or in case relatives showed up drunk trying to jump on the Officers. This is when he heard gun - gun - gun "I got the gun," shortly thereafter as Officers got off of the suspect (Mr. Carmelo Mendez), he was just lying there. Sergeant Scillia stated he did not know who yelled gun and he did not see a gun and his contact with the suspect was trying to pick the suspect up.*

Sergeant Scillia was asked if he saw any other Officers get assaulted, he said no. *He saw Officer Szeps initially go hands on with the suspect (Mr. Carmelo Mendez) and it was a blur after that because there were so many people and there were so many Officers that filled a small area so quickly, he did not know. He saw the guy on the ground resisting; the guy would not give them his hand. Sergeant Scillia stated he really could not see the guy because of all the Officers around him but the suspect was not giving them his hands because they were yelling, "Give me your hand, give me your hands," "Get him cuffed get him cuffed." Sergeant Scillia felt the suspect was resisting because the suspect "did not exactly turn and say, okay you can take me to jail now, and put his hands behind his back." (Page 10, line 427-428) At this point in the interview Sergeant Scillia was informed the guy on the ground was Mr. Carmelo Mendez.*

*Sergeant Scillia was asked if he struck Mr. Carmelo Mendez, he said no. He was asked if he saw any Officers strike Mr. Mendez he said, no. He was asked if he struck Mr. Mendez after he was handcuffed he said, no. He was asked if he saw any Officer strike Mr. Mendez after he was handcuffed he said, no.*

Sergeant Scillia was asked at what point he moved away from Mr. Mendez once the situation was under control and once Mr. Mendez was on his feet. Sergeant Scillia stated once Mr. Mendez was on his feet, he did not recall for how long, but he walked with Mr. Mendez holding his arm. Sergeant Scillia did not recall how far he walked down the driveway and did not recall walking very far with Mr. Mendez because several Officers or at least two Officers grabbed control of Mr. Mendez and took him to the car. *Sergeant Scillia said he did not think he walked because when people saw him struggling, they lifted the suspect up*

*and he let go of the suspect and they took him. He said everything was kind of a little cloudy as far as how many steps he took when he was holding suspect. Sergeant Scillia was asked if he saw other supervisors on scene. He said he saw Sergeant Long and Sergeant Delgado, he did not remember seeing any Lieutenants or Captains.*

*Sergeant Scillia was asked if he carries a baton or asp he said, no. He was asked if he saw anyone using a baton or an asp. He said he remembered hearing the voice of Detective Forts saying, "Give me an asp or who's got a baton" or something to that effect. Sergeant Scillia did not know if Detective Forts got one or what he did with it.*

*Sergeant Scillia was asked if he had to use any force during the incident he said he did not recall, no. He was asked if he saw anyone strike Mr. Mendez with baton or asp he said, no. He was asked if he struck Mr. Mendez in any way with a boot, a fist, hands, knees, elbows, any object prior to him being handcuffed he said, no. Sergeant Scillia was asked if he struck Mr. Mendez after Mr. Mendez was handcuffed he said, no. Sergeant Scillia said he was not sure of who actually cuffed Mr. Mendez.*

*Sergeant Scillia was asked to estimate the amount of time he was on scene between the time he walked in and saw Mr. Mendez being taken to the ground where he bumped into him until the time he was cuffed and walked out. Sergeant Scillia estimated six to eight minutes, he said it was not too short, but it was not too long either. He was asked if he was able to see if Mr. Mendez had injuries as he helped Mr. Mendez up he said, no, and did not remember if he had injuries. Sergeant Scillia was asked about the lighting in the yard. He said it was not bright, it was a typical long driveway, lighting at night, you could see things, but it was not super bright, like if you were standing under a street light.*

*Sergeant Scillia was asked if he assisted in any other crowd control or anything after Mr. Mendez was removed from the scene. He said, yes, he would say he did not go out to the street quickly he remembered going back into the driveway and accessing what else was going on. It looked like control was being restored so he walked out to the street. He remembered thinking to himself, as a supervisor, in case ambulances are needed; let's clear the road, because the road was clogged with police cars and regular traffic.*

*He remembered he walked out and may have even got on the radio. He called off anyone else who was not there yet. He did not want anybody crashing to get to a scene; they did not need to be at anymore. He thought he had called off the Fairfield Police Department because they were coming as mutual assistance. He tried to see and make an account of how many people were going to jail and how many Officers had people in cars including prisoners. He saw at least two or three that had to go, that is when he started yelling, "Hey, we got to open this road, move your cars." Then another citizen, in a pickup truck, was flying in at them almost running Officers over in the street. The citizen stopped, and they got the citizen out of the car and they did not know what the hell, and thought, he was maybe, a part of this, or he was a relative or something, and "got him out of the car." (Page 14, line 626) The citizen was placed under arrest for reckless driving. Sergeant Scillia remembers this very clearly because he had to get in the citizens truck and move it to clear the street and moved it to the side. Sergeant Scillia then walked back to his car and went to booking. Sergeant Scillia stated he did not transport anyone to booking. Sergeant Scillia was asked if he carries a Taser he said, yes. He said he did not deploy his Taser nor did he pull it out.*

*Sergeant Scillia was asked if he saw if any of the citizens were intoxicated or if he saw alcohol anywhere he said he smelled it. He did not evaluate people sitting down but he could smell it, dumped beer on the ground, or something, he could smell the aroma of alcohol, it was kind of in the air. People were screaming, yelling and people were getting pulled away in handcuffs. In his mind the scene was going a "thousand miles a minute." (Page 15, line 664) He had come to the scene code from the East Side, he*



expressed, we all know Bridgeport drivers; this was a little chaotic for him. When he got there his adrenaline was already going up. He was listening to Channel 1 to the Officers asking for help and he could hear the chaos in the background causing his anxiety to go up. Sergeant Scillia said when got there he was not in the "frame of mind that he was here" (in the interview). (Page 15, line 673) He was thinking 100 miles ahead, like, Oh God, what's going on, are any Officers hurt? He walked in interpreting things as he got there. He was interpreting it from a position of his adrenaline being up, what's going on, kind of thing. In his opinion of the whole scene, they did not have control yet. "A few people in handcuffs, that's great, but how many people are in the house? Who else is going to come out? Who is going to come down the street? In his opinion it was not under control yet and although it looked like Officers were gaining control, slowly, it still was not in control yet." (Page 16, line 678-682) In his opinion everyone was still in danger and they have to, like, they have to get control. Sergeant Scillia stated he was not sure of how many Officers were on scene, he thought the whole shift would have been there, if they could, and did not believe any Officers were hurt.

Sergeant Scillia was asked if he felt the crowd was being belligerent or defiant towards the police. He said, yes, they were noncompliant, he thought he heard a couple of them say, "fuck the pigs, and you're a bunch of pussies." (Page 17, line 719) He felt they really hated the cops and they were violently angry, yelling slurs at the police. Sergeant Scillia was asked if he entered the home or instructed anyone to enter the home he said, no.

Sergeant Scillia was asked if he talked to any supervisors on scene he said he spoke with Sergeant Long because they walked in together. Sergeant Scillia thought he even asked Sergeant Long "Hey, what was this?" Sergeant Scillia thought it might have been a noise complaint but was like, this has got to be something else.

Sergeant Scillia was asked if he called for the medics or if he asked any of his Officers if anyone needed medical attention he said, no, he did not see any medics on scene. When he walked in, he asked, as he walked by officers, "Are you okay, is everybody good?" but didn't ask, hey, do you need medics? People were being arrested, they were in cars, or being brought to cars, and they did not seem like they needed the medics at the time, they were yelling profanity.

Sergeant Scillia was asked if he wrote any reports, pertaining to, what had happened or what he observed at 316 Colorado Avenue, he said, no. He was asked if anyone directed him to write any reports for the incident at 316 Colorado Avenue he said, no. Sergeant Scillia was asked what he did when he cleared 316 Colorado Avenue; he said he went to booking.

Sergeant Scillia was asked if he saw a wheelchair prior to leaving Colorado Avenue, on Colorado Avenue, either on the property or in the street. He said he saw an Officer putting a wheelchair in the trunk, but he did not see which Officer. He expressed, he found it a little peculiar, but his hands were kind of full at the time. He stated he was in the street at the time probably a good 30 meters away from the car with the wheelchair.

Sergeant Scillia was asked if he saw the Officer pull off with the wheelchair, he said he was not paying attention anymore. Sergeant Scillia was asked if he saw the wheelchair fall out of the police car. He explained he wasn't paying attention anymore, after he saw an Officer putting the wheelchair in the trunk, he stopped paying attention. He stated he was down the street and thought he may have been standing with other Officers at the time. He said his car was located in the opposite direction of the car with the wheelchair. He had parked his car far away when he arrived on scene because he did not know what he was encountering and did not want to pull up in front of the house.

Sergeant Scillia was asked if anyone came to him to tell him a wheelchair fell out of a police car he said, no. Sergeant Scillia stated that he did not push the wheelchair with his foot to the side of the road nor did

he pick the wheelchair up. When asked, why an Officer would put a wheelchair in the back of a police car, he said, he assumed, the wheelchair was part of the arrest, as evidence, or belonged to someone who was getting arrested.

Sergeant Scillia was asked how many Officers he had under his command, he said four. He was asked if any of the Officers under his command were at the incident. He said the only one he could recall being there was Officer Cruz. He was asked if Officer Cruz was involved in the arrest, he stated he did not know. He was asked if he saw him there. Sergeant Scillia said he saw his face; he was kind of like, in the driveway, when he walked in, he saw him standing here. Sergeant Scillia was asked, during the arrest of Mr. Mendez if he saw Officer Cruz or any of his other men. Sergeant Scillia said he did not remember, he did not think so, he did not recall, no.

Earlier in his statement Sergeant Scillia stated Mr. Mendez was on the ground and was kicking his feet. He was now asked, if Mr. Mendez was face up or face down, Sergeant Scillia stated he was face down and he saw his feet moving up and down.

Sergeant Scillia was asked who he thought was in charge of the scene, he said he did not know. He was asked how many supervisors he saw. He said he saw Sergeant Delgado and Sergeant Long and did not recall seeing any Lieutenants or Captains. He was asked, who he thought had control of the scene, and he stated he did not know. He was asked who should have had control of the scene. "He said, he guesses, whoever the Blue Sector sergeant was, since it was on the Blue side, if he were there." (Page 24 line 1048-1050) He said, you know, at that point with something like this, it's kind of like, a team effort at that point.

Sergeant Scillia was asked if he took part in the arrest of Mr. Mendez when he was on the ground. Sergeant Scillia responded by asking, took part how? He was asked if he assisted the guys during the arrest or not. *He said no, the only assistance he gave was trying to pick Mr. Mendez up off the ground. He then said, yes, okay, he picked him up to help, effectively put him in the car to take him to booking, so yes, that's what he did.*

Sergeant Scillia was asked if he knew why Mr. Mendez was taken to the ground to begin with, he said, no. He was asked if he was there for the take down he said, yes, when asked if he had any idea why they took Mr. Mendez to the ground he said, no. Then explained he heard an Officer say, "This guy has got to go booking," or "This guy got to get arrested," or "This guy got to go to jail," something to that effect and believed it was Officer Szeps who said it.

Sergeant Scillia was asked again other than Mr. Mendez being shoved into him; was there other contact by him (Sergeant Scillia) and Mr. Mendez, Sergeant Scillia said no. *Sergeant Scillia was asked, there was no contact while he was on the ground other than picking him up, he said yes.* Sergeant Scillia was asked if he wore a watch while he is on duty he said yes. He was asked if at any point during the arrest of Mr. Mendez he had to adjust his wristwatch, he stated he did not know, he doesn't remember, it's Velcro, maybe, he doesn't remember.

*Sergeant Scillia was asked if he carries any other weapons used for striking an individual besides an asp or anything like that, he said he has a gun a Taser, keys, two handcuffs, a radio, it never came out of its holster. He was asked again if he carried other weapons he said, no he does not.*

Sergeant Scillia was asked if Mr. Mendez was handcuffed while he was walking with him for a short distance after he had picked him up he said yes. Sergeant Scillia was asked if he heard an asp being extended, he said no. He was asked if he heard an asp being used he said no, he was asked if he saw an

asp being used he said no. Sergeant Scillia was asked to estimate the amount of time he was on scene from the time he arrived until the time he left he estimated he was on scene approximately an hour.

Sergeant Scillia was asked if he saw any Officer or civilian strike Mr. Mendez. Sergeant Scillia responded with the following question; *after he was cuffed or at all? The response to his question, after he was cuffed or at all, was you tell me, Sergeant Scillia said no, he meant he saw them in a pile with Mr. Mendez on the ground, but did he see an Officer an individual Officer actually strike Mr. Mendez, no. Sergeant Scillia was asked if he saw an Officer strike Mr. Mendez after he was cuffed he said no. He was then asked how about before he was cuffed, he replied with the following: he, right now, he is going to say no, he meant, he doesn't really recall each individual Officer, like, what they were doing on top of him it was a big pile.*

Sergeant Scillia was asked if he was looking at the pile he said yes. He was asked what he observed, he said he saw the rear ends of Officers and saw feet kicking. He saw bodies of Officers on top of him (Mr. Carmelo Mendez) and did not recall if anybody was striking him, he did not know.

At this point in the interview a break was taken at the request of Sergeant Scillia and his union steward, the break began at 03:40 pm (1540 hours). The interview with Sergeant Scillia resumed at 03:48 (15:48 hours).

Sergeant Scillia was asked if he saw anybody strike Mr. Mendez he said no. He was asked if he if he heard Mr. Mendez say anything while he was on the ground he said no. He was asked if he had said anything to Mr. Mendez, he responded with the following, "I don't, I don't, maybe when I picked him up, I kind of said, all right, come on, get up, kind of thing but, no, I did not talk to him before that. Sergeant Scillia was asked if he said anything to Mr. Mendez while he was on the ground he said, well, no, I mean, even if I did he wouldn't have heard me there was so many people, on top of me, there was a lot of yelling, no." (Part 2, Page 1 line 31-41) Sergeant Scillia was asked, while Mr. Mendez was on the ground if he heard any Officer say anything to him he said no. He then said he remembered an Officer saying give me your hands, show me your hands, something to that effect. He did not know how many of the Officers said it and did not who it is.

Sergeant Scillia was asked if he had handed anything to another Officer while Mr. Mendez was on the ground he said no. He was asked if another Officer handed him something while Mr. Mendez was on the ground he said he did not think so, no. He was asked if he dropped anything while Mr. Mendez was on the ground he said no. He was asked if he picked something up while Mr. Mendez was on the ground he said he did not think so, no.

Sergeant Scillia was asked if he heard Mr. Mendez yelling, they are hitting me, they are punching me, Sergeant Scillia said, he did not remember, no, he did not remember that. He was asked about the point Mr. Mendez was cuffed whether or not he remembered who had the gun or who found the gun, or where the gun was found, he said he did not remember but he remember in booking he (Mr. Mendez) had a holster on him and thought it was on his right side or right hip.

Sergeant Scillia was asked about when they were on scene and it was chaotic and Mr. Mendez was on the ground, and the reason for being on the ground was because someone called out gun. Sergeant Scillia replied; "to be accurate Officer Szeps said, this guy's got to go to jail or he's got to go to booking whatever he said. At that point it looked like he's getting grabbed. It looked like he either came towards him or they bumped, Sergeant Scillia did not know how it happened. It was like kind of on his 4 o'clock side". (Part 2 Page 3, line 131-134) He gets taken to the ground because he is not being compliant after he says he is going to be arrested. He goes to the ground and Officers are trying to cuff him, while trying

to cuff him somebody yells gun -gun -gun. And because Sergeant Scillia was at the feet of Mr. Mendez when they said that (gun-gun-gun)

Sergeant Scillia went to the side because he didn't know where the hell to stand at that point. Shortly after that someone said I got the gun. Sergeant Scillia stated he kind of hung there because when he was finally cuffed, Officers got off of him; Sergeant Scillia was positioned on his side area.

Sergeant Scillia remembered he leaned in and tried to pick him (Mr. Mendez) up on his feet, after he was cuffed. *Sergeant Scillia was asked if he had leaned into Mr. Mendez at any time prior to him being cuffed he said no. Sergeant Scillia was asked if he had leaned into Mr. Mendez after he was cuffed he said yes to pick him up. He was asked if that was the only time he leaned in he said yes.*

At this point in the interview the questions concentrated on what had occurred after leaving 316 Colorado Avenue in the booking area. Sergeant Scillia was asked if he had responded to booking he said yes. He explained he responded to booking in his own car and had given Lieutenant Sapiro a ride because he needed a ride back. Sergeant Scillia was asked if Lieutenant Sapiro was on scene, he said, you know what now that he was thinking about it chronologically, he was there, but did not notice him until he had to give him a ride.

Sergeant Scillia was asked to describe the scene in booking when he arrived. He stated someone let all these people in at once, from the same party and he knew Jeff Long was now the booking sergeant because he took four hours after the shift.

Sergeant Scillia also took four hours after the shift as a road sergeant so he figured, let me go up there and see if any, you know, if anyone needs help or anything. When he got up there they were all, somebody let all of them in at once, all the people who were in custody from Colorado Avenue. They were all kind of in the cell and standing out in front of the desk and it was, in his opinion, pretty chaotic for booking. People were yelling, talking shit to them and calling them names. One dude just went on a tirade; he zoned in on Sergeant Scillia and was just talking shit to him for a good 20, 30 minutes. The gentleman (Mr. Mendez) with the gun was in the large holding cell waiting for the medics to come see him.

Sergeant Scillia stated another "dude," he did not know his name, but he was at the party, kept saying, he owned the house and there were cameras. They took him out of the cell because they were trying to get him processed and get him to a cell. He kept interrupting the medics or kept interrupting booking staff, trying to talk to the gentleman who had the gun, he kept yelling, "Don't talk to them, and don't say anything. He was an agitator that just kept it up. When the medics finally showed up Sergeant Scillia stood back while people were being processed. He did this just in case cuffs had to come off, in case they wanted to start fighting again or something like that.

Sergeant Scillia thought to himself; he had two new Civilian Detention Officers recruits at this time and thought they probably were not used to this and he stood there, the medics came and he stood between the medics with his back to the medics in the cell and was facing the one agitator guy because he did not want him to do anything to the medics and interrupt whatever they had to do.

Sergeant Scillia stood there and the medics showed up and evaluated people who claimed to have injuries. The gentleman with the gun (Mr. Mendez) was one of them. Sergeant Scillia thought the medics had called for another ambulance or something, they were waiting for something. He did not remember what they were waiting for but that is when the guy with the gun passed out. Sergeant Scillia heard a thud and he turned around, the guy was on the floor now. Sergeant Scillia grabbed the agitator and moved him over and place him on the other side of the desk and told him to shut up because he was still, "yakkety yakking."

Sergeant Scillia said to himself; this is serious; and they open up the cell again, the medics arrive, and they package him up for transport and he went into the ambulance. Another ambulance crew was there, and they said there was a guy up in cell seven who had to go to and was claiming injury. Sergeant Scillia said all right, Firpi and Figueroa were there he (Figueroa) went up there with two medics. Sergeant Scillia said to himself; let me go with them because now the agitator was in a cell across from the other dude (Mr. Diaz) who was claiming injury. Sergeant Scillia did not know if this guy (Mr. Diaz) could fire him up. Sergeant Scillia stated he did not know what the guy's injuries were, he was claiming, but went up there anyway. They get to the cell and the dude is there, the guy you know, they are going to treat you, and he is being insulting and belligerent and everything.

Sergeant Scillia explained the medics brought a stair chair with them to the cell because he (Mr. Diaz) was in a cell and there were steps and a ramp leading to the cell. The chair had wheels which could be maneuvered around to get him out, a stretcher would not fit. They (the medics) have the chair positioned in front of a cell and Sergeant Scillia, if looking at the cell, was standing to the left. The medics put (Mr. Diaz) in the chair and as they were cinching up his belts and what not, one of his belts became undone. Sergeant Scillia states he did not know if they did not clasp it right or if they forgot about it, he honestly did not know but saw it hanging there. What caught Sergeant Scillia's eye was that the buckle was kind of swinging, so he looked down at it and saw that it goes on his chest area. Sergeant Scillia said to himself; well, he's got to go down this ramp and he did not want him to fall out of the chair, let me re-clasp the buckle and tighten it, you know, cinch it in.

Sergeant Scillia clasps the buckle and cinched it in. Sergeant Scillia explained the belt had more give than he thought, and he ended up cinching it in, his right hand, he thought, made contact with either his (Mr. Diaz) chin or underneath his chin. Sergeant Scillia said, oh, geez, you know, little too much. Mr. Diaz said, "Oh, you struck me." Sergeant Scillia said, "Dude, I didn't, ""Dude, stop." "It was a mistake, man." Sergeant Scillia states he then tried to maneuver around and his feet and brushed into his (Mr. Diaz) feet. (Mr. Diaz) said "Oh, now you're, you know, you're walking into me, oh, I see what's."

Sergeant Scillia said they get him (Mr. Diaz) going down the ramp and they get him away from the cell. While Sergeant Scillia was walking and they're walking him out down the ramp he was being a little factious towards (Mr. Diaz). Sergeant Scillia said all right, bye, I'll see you later, being a little factious, Sergeant Scillia expressed; it was a rough night. But now that he was sitting here (in the interview) obviously in front of you gentleman (investigators), everyone's calm, thinking back, it wasn't very helpful, and he should not have done that. It was wrong of him; he admits that all day long, that was stupid of him, he should have known better. Sergeant Scillia thought he had also gone to (Figueroa) because he was the senior guy on the floor plus he was in the cell block with him so he told him (Figueroa), "Hey, listen I accidentally smacked the guy in the face when I was cinching his belt and I ended up brushing into his feet or something to that effect, just so you know, kind of thing." Sergeant Scillia explained he has known (Figueroa) since he has been a cop, 15 years, and he knows how he is and looks at him and he had this look of like, "strain on his face like he was like, eh, like he was just like, pissed off or something." (Page 7 line 313-314) Sergeant Scillia stated he gave him like a silent gesture and patted him on the back because he kind of felt bad because this is how he is. Sergeant Scillia thought that this was the only thing he said. He stated he should have documented this because this guy (Mr. Diaz) was already making accusations, so let me document it.

Sergeant Scillia went to Sergeant Long who was in the office and said, "Listen, this is what just happened I'm going to document it and I'll let Lieutenant Sapiro know." And he's like, "Okay." Sergeant Scillia went down to the office in patrol, Lieutenant Sapiro was there. Sergeant Scillia said "Hey, Lou, listen, this is what happened." And told him what happened, and he was going to do a 9X to him about it, just to cover, it was like an accident. So, he (Lieutenant Sapiro) goes "Okay." Sergeant Scillia did it and once his

9X was completed he walked back into the office and said, "Hey, listen, I have my 9X," so they had a discussion about what he should do with the 9X.

They came to the conclusion to bring it up to Sergeant Long and put it with all the other paperwork since he was collecting it all from the incident that was going on up there. Sergeant Scillia said okay and brought it up to him. He (Sergeant Long) called Lieutenant Dickerson per protocol and Sergeant Scillia was in the office when he did. That was that and Sergeant Scillia stood there in case Lieutenant Dickerson had any questions and he did not, and that was that. Sergeant Scillia gave him (Sergeant Long) his 9X and thought he probably left the facility because he was a sector sergeant that night, so he thought he went back to his car.

Sergeant Scillia was asked when he arrived at booking if everyone was already inside he said yes and did not remember if he saw anyone bringing anyone into booking. He was asked if Sergeant Long was already in booking when he arrived he said he thought Sergeant Long was and he was the one he saw. Sergeant Scillia was asked if he had seen any altercation in booking by the front intake desk he said no, nor did he hear an altercation taking place in booking. Sergeant Scillia stated that he heard insults and belligerence being hurled at the staff and Officers by parties that were brought in that was standing there. He stated he was in the back as he came in and he could hear it, he said to himself; let me stand on the floor, because there was Figueroa and two new Civilian Detention Officers he believes were still on probation and Sergeant Long was there. He said to himself; "you know what, let me stand here just to try and keep the peace, God forbid something breaks out." (Part 2 Page 9 line 383-385)

Sergeant Scillia was asked if he assisted in placing anyone who was cuffed or un-cuffed into the bullpen, the big cell. He said he assisted taking one, two or maybe one out. He really did not remember but did not want to say no because he actually did remember helping people in and out of that cell. But then again it could have been the medics going in and out of it, too, when the guy passed he really did not remember.

Sergeant Scillia was asked if he saw Officer Lattanzio at the front intake desk, he said no, he did not recall, no. He was asked if he saw Officer Faroni at the intake desk, he said he did not remember. He was asked if he saw any Officers strike any individuals at the intake desk he said no. He was asked if he saw any arrested parties spit on any officers, he said no.

It was brought to Sergeant Scillia's attention about the guy he had mentioned, who claimed to be the owner of the house, and was zoning in on him. Sergeant Scillia was asked how he interacted with him. Sergeant Scillia said, yes he played his game a little bit, to try and preoccupy him, so he would stop yelling at the medics, interrupting or stop yelling at the gentleman that had the gun, to pull his attention away from the medics, because he wanted to let him talk shit to him a little bit. He was telling the other prisoners not to talk to the Officer.

Sergeant Scillia was asked if he saw the medics in booking he said yes. He was asked about when he heard a thud, and somebody hit the ground. He explained no one was with the person who fell. He turned around and saw what it was; there was the gentleman on the ground face down. At this point the little game he was having back and forth with that other guy was over because now it was serious. Sergeant Scillia grabbed him by his shoulders and walked him over to the other side of the desk and there was another officer doing something. He told him (the guy) "to stay there and shut the fuck up and just stay right there and stop yelling." (Part 2 Page 11, line 475-477) A detention officer opened the cell. Sergeant Scillia was one of the first in and the medics also went in because they were still right there. They helped kind of, like roll him over, onto like, a recovery position and he came to and they asked him questions and stuff. Another stair chair showed up at the cell door Sergeant Scillia believes and then they help pick him up and put him in the chair. He was then expedited out to the ambulance.

Sergeant Scillia was asked if he smelled alcohol when helping him in the cell, he said he did not remember. Sergeant Scillia was asked if he saw any injuries on the person he helped who had fallen in the cell he said yes. It looked like he had like blood from something. *(Part 2 Page 12, line 506-507)* Sergeant Scillia noticed red marks on his forehead, they were peculiar to him. Sergeant Scillia was asked, if he asked him, if he was hurt from falling, he said he did not ask. He was asked if the injuries looked like injuries that someone would get from a fall. He responded with, the red marks, from that thud, no because there was more than one. They just appeared to be little circles, as he looked at him, he wondered, what that was, what is that from, he did not know. Sergeant Scillia stated he saw these marks on his forehead and thought he saw two above his right eye, maybe.

Sergeant Scillia was then asked about the cell block area of booking were there are individual cells and what he had seen happen while he was in this area. He explained that somebody, and assumed the only detention officer up there was Figueroa, opened the door. Sergeant Scillia was asked if he had seen an interaction between Officer Figueroa and the individual Mr. Peter Diaz. He said yes, when he (Mr. Diaz) was placed in the seat Figueroa had some sort of quick back and forth about something, he really did not know, he was not paying attention. It was something, some sort of back and forth and Figueroa stood up and walked off. He thought it was over some sort of loose relative connection, but he was not really paying attention to something like that.

Sergeant Scillia was asked if Mr. Diaz was giving Figueroa a hard time. He said, well for the record he was giving everybody a hard time, but he was unable to recall the reason why. They were going to shackle his ankles one ankle could not be shackled due to a swollen ankle or something like that. It could not go around so he (Figueroa) hooked him to the stair chair; the other cuff was hooked to the stair chair. Sergeant Scillia remembered his ankle was too swollen to put the cuff/shackle around. He was asked if Figueroa was a relative of Mr. Diaz, he said no, he did not think so; he was not really paying attention. There was some quick back and forth about somebody's wife or cousin or something like that. It did not sound like they were blood related.

Sergeant Scillia was asked if the medics were there with a stair chair he said yes. He was asked if they had strapped Mr. Diaz in, he said he thought they did. Sergeant Scillia observed one of the straps; the buckle was not attached because it was hanging. He saw it hanging and it was one that went across his chest and thought, that's not good. As soon as he saw it he addressed the issue and reattached it. He went to snug it in, to make sure he does not; there was no play, so it does not loosen up. In doing so unfortunately there was more give in the belt than he thought, he ended up going to snug it up and his hand made contact with his face (Mr. Diaz).

Sergeant Scillia was asked if he had to clip the buckle into place he said yes. He was asked when he tightened it, if it tightened, and which way the strap went. He stated that "it goes up; he saw the loose part of the strap. He said, you know what I mean, it's like here's a strap, there's the buckle, he forgot which way the buckle went but all he knew is the loose part of the strap for tightening, cinching he guessed, the cinching motion, cinches was on top, to go up that is why he was cinching up." *(Part 2, Page 16 line 697-705)* Sergeant Scillia was asked if the buckle went across his chest or his neck or his stomach. He said his neck he means it looked like it crossed his torso somehow. He was asked if the medics were there when this happened he said yes. He was asked if he told the medics he said no. He was asked if he had taken it upon himself, he said he took it upon himself to re-clasp the buckle. He was asked if he had used this type of chair before. He said yes, he used to be a SWAT medic and he was an EMT before this job. He said he got his cert, he did not work anywhere but, had to be trained in all that stuff anyway, so when he saw it, he was like, oh, I know what this is.

Sergeant Scillia was asked why he felt he had to tell Officer Figueroa he had strapped him (Mr. Diaz) in and had hit him in the face by mistake. He said, well, he was the most senior guy on the floor as far as he

was concerned. He was up on the block with him and he did not know where he (Figueroa) went when it happened but he was up in the block with him. And just for the fact of the guy is coming back making accusations, something like that, he meant, he will know what it is about, and he will have knowledge of it.

Sergeant Scillia was asked if Officer Figueroa saw what happened he said he did not think so, he did not see him there and did not know if he had walked off he did not know where he went.

Sergeant Scillia was asked if anything else happen other than the strap hitting his (Mr. Diaz) face by mistake or his hand. He said yes, he went to move around him and his feet brushed into his (Mr. Diaz) feet. Sergeant Scillia stated this was a mistake. He explained that in cell seven, the block at cell seven, if memory serves, it is right where the hand railing begins for the walk, the alley, the walk down the block and the ramp, there is a railing there so nobody falls off into the ramp. Sergeant Scillia wanted to move around them, there is not a lot of space, and as he went to move around him (Mr. Diaz) he (Sergeant Scillia) just was not paying attention and he ended up, brushing into his (Mr. Diaz) feet, with his (Sergeant Scillia) feet.

Sergeant Scillia was asked if Mr. Diaz was being belligerent and uncooperative with him, he said yes, he was being belligerent. He did not remember what Mr. Diaz was saying, he just know he was not a very nice person. Sergeant Scillia was asked if Mr. Diaz upset him or if he was upset because of the way Mr. Diaz was acting he said no.

Sergeant Scillia was asked if he had deliberately hit Mr. Diaz in the face when he pull the strap to tighten it up he said no. He was asked if he deliberately kicked the ankle of Mr. Diaz as he walk around him he said no. Sergeant Scillia was asked what Mr. Diaz said when he hit him in the face accidentally.

Sergeant Scillia explained he did not remember verbatim, it was something along the lines, Oh; you are going to hit me now; or something like that. Sergeant Scillia said he responded to Mr. Diaz with, oops, I'm sorry, I mean that was a mistake, he did not mean it, he could not remember verbatim.

Sergeant Scillia was asked what Mr. Diaz said when he brushed his ankle. Sergeant Scillia said he did not remember but it was something like, I see, oh, he was yelling back and forth to the other guy in the cell, they were kind of yelling to each other, it was a mish-mash between them back and forth, he did not remember. Sergeant Scillia was asked if he was aware that Mr. Diaz had a bad ankle, he said yes. Sergeant Scillia was asked if he had apologized to Mr. Diaz for hitting him in the face. He said he could not remember if he said he was sorry, or oops it was a mistake. He did not remember if he actually used the word sorry. Sergeant Scillia was asked if he apologized for brushing his foot, he said he did not remember.

Sergeant Scillia was asked who the Officer was who was standing behind him when dealing with Mr. Diaz. He stated, "Figueroa, or you mean." (*Part 2 page 20, line 892*) It was explained to Sergeant Scillia there was a Police Officer standing behind him, he said, the police officer, there was, he did not remember. He was asked if he remembered the Officer saying anything, he said no.

Sergeant Scillia was asked about his explanation of the buckle and whether or not he was saying the medics did not fasten the buckle correctly, he stated he was saying that the buckle was unclasped in front of him and he did not know why but he went to clasp it and tighten it.

Sergeant Scillia was asked if he was there with the medics, while they put Mr. Diaz in the chair and put the strap on him he said yes. He was asked if he was saying they, (the medics) did not buckle it correctly he said, it appears that way yes.



Sergeant Scillia was asked if he told Detention Officer Firpi anything. He said he did not remember, maybe, he did not remember. Maybe, when he was talking to Figueroa, maybe, he did not know, maybe he was addressing both of them. He did not remember exactly, he just remembers talking to Figueroa.

Sergeant Scillia was asked if he thought it was proper for him to wave goodbye to Mr. Diaz and to say he hoped he feels better and stuff like that. He said no he should have known better.

It was brought to Sergeant Scillia's attention he had mentioned he talked to somebody about who he was to give his official report to. He was asked whether it was Lieutenant Sapiro or Sergeant Jeff Long. He stated he had a discussion with Jeff Long and might have mentioned it to Sergeant Delgado who was also in the back because he was collecting paperwork. Sergeant Scillia stated he completed his 9X in the patrol office. He stated he went to speak with Jeff about what happened and who he should give his 9X to and who should get it. He thought he went to the back and saw Delgado and told him what happened and thought he asked him advice, who he should give the 9X to because he know they were both collecting paperwork.

Sergeant Scillia was asked if Sergeant Delgado had asked him to write a report he said no.

Sergeant Scillia was asked if he had gone into the back area of booking where all the officers were writing report he said yes. He was asked if he had asked what happened or if he had found out from anyone what happened at 316 Colorado Avenue. He said he got an idea of what happened from officers telling him, it was drips and drabs, because officers were giving their account of what they did. He then explained he remembered asking on scene "What was this," and he thought somebody was said, "Oh, this was a noise complaint." he said "Are you sure." And they said, "Yeah," and then it just escalated into this.

Sergeant Scillia was asked if there was anything he wanted to add to his statement. He stated he did not recall anybody asking him to do a report. He was asked if he thought he should have done a report he said, no, for picking somebody up to bring them to a car, he didn't feel as though he needed, that would need to be done. He was asked if the incident in cell was a use of force, he said no it was a mistake.

#### **Summary of Video Footage capturing the conduct of Sergeant Paul Scillia.**

The following is a summary of several videos which were obtained during the course of this investigation capturing the conduct of Sergeant Paul Scillia on the October 21, 2017 and October 22, 2017 at the following locations: 316 Colorado Avenue Bridgeport CT, 300 Congress Street Bridgeport CT in the Booking Area, Male Cell Area Cell number 7 and the Report Writing Area in the rear of the booking area.

1. Video Name: **10-21-17 316 Colorado Avenue Berke USB**, this particular video captured several different views of 316 Colorado Avenue. The views/cameras were named ch01, ch02, ch03, ch04, ch05, ch06 and ch07. The data captured by these cameras were stored in segments/files identified by time stamps in military time. The following is a summary of what was captured relative to the conduct of Sergeant Scillia.

On October 21, 2017 Sergeant Scillia is captured on view/camera ch07, segment 222410-223244 at 10:28:35PM (time stamp on video) arriving from the left side of the house (316 Colorado Avenue) walking towards the driveway. Sergeant Scillia aids a male on a motorcycle and then walks down the driveway towards the rear of home at 10:29:32PM (time stamp on video).

(View/camera ch06, segment 221251-222942) At 10:29:32PM (time stamp on video) Sergeant Scillia is walking past a gate midway in the driveway and is present and in full view of Officer Szeps taking Mr. Mendez to the ground at 10:29:36PM (time stamp on video).

(View/camera ch06, segment 222942-224634) At 10:29:42PM (time stamp on video) Sergeant Scillia is present at the beginning and during the arrest of Mr. Mendez. Sergeant Scillia attempts to aid in the arrest of Mr. Mendez at 10:29:54PM, by what appears to be placing his hands on Mr. Mendez or an Officer in front of him who is moving around, in an attempt gain control.

(View/camera ch06, segment 222942-224634) At 10:29:57 Sergeant Scillia with his right hand appears to punch to Mr. Mendez while he is on the ground, at this point in the video it appears Mr. Mendez is not yet handcuffed.

(View/camera ch06, segment 222942-224634) At 10:29:58 Sergeant Scillia appears to kick or stomp on Mr. Mendez using his right leg. Sergeant Scillia then steps into the group of Officers who have circled Mr. Mendez, attempting to take control of Mr. Mendez while he is on the ground. Sergeant Scillia maintains this position observing Officers during the arrest Mr. Mendez to its conclusion.

(View/camera ch06, segment 222942-224634) At 10:30:30PM it appears Officer Szeps has completed handcuffing Mr. Mendez. Officer Szeps stands up to the left of Sergeant Scillia. Sergeant Scillia touches Officer Szeps on the left shoulder and appears to instruct other Officers circled around Mr. Mendez to pick Mr. Mendez up by motioning with his left hand, thumbs up. Other Officers involved begin to stand up and back away from Mr. Mendez who is lying on the ground and believed to be handcuffed at this point.

(View/camera ch06, segment 222942-224634) At 10:30:33PM it appears Sergeant Scillia thrusts forward with a left-handed punch and a right legged stomp striking Mr. Mendez while he is handcuffed and lying on the ground.

(View/camera ch06, segment 222942-224634) At 10:30:40PM Sergeant Scillia reaches down and grabs Mr. Mendez with both hands and picks Mr. Mendez up off the ground and is aided by Officer Szeps to bring Mr. Mendez to his feet. Sergeant Scillia is then seen pointing and appears to give direction to Officers who are still circled around Mr. Mendez. Mr. Mendez is then walked away in handcuffs by Officer Szeps and Officer Silva.

(View/camera ch06, segment 222942-224634) At 10:31:11PM Sergeant Scillia walks down the driveway towards the street (316 Colorado Avenue).

(View/camera ch07, segment 222410-223244) At 10:31:39PM Sergeant Scillia walks into the street (Colorado Avenue).

(View/camera ch07, segment 223244-224804) At 10:32:07PM Sergeant Scillia speaks with Sergeant Waehler in the street.

(View/camera ch07, segment 223244-224804) At 10:34:09 Sergeant Scillia starts to clear the street of traffic and persons.

(View/camera ch07, segment 223244-224804) At 10:38:40PM a speeding truck passes by the driveway of 316 Colorado Avenue. *(Mr. Jose Rosario is arrested, he was the driver of the speeding truck, refer to file number 171021-307for details).*

(View/camera ch01, segment 222930-224622) At 10:40:18 PM Sergeant Scillia moves the speeding truck forward out of the way so traffic can pass on Colorado Avenue. At 10:43:07 Sergeant Scillia walks out of view.

2. Video Name: **10-21-17 Booking Area 25 hours**, this particular series of videos captures several different views within the Booking Area of the Bridgeport Police Department located at 300 Congress Street. There were 14 different views/cameras in this video series each view has its own camera name e.g. PD1-8 REPORT WRITING AREA, PD1-11 BOOKING DESK SIDE and so forth.

The following is a summary of several videos which were obtained during the course of this investigation capturing the conduct of Sergeant Paul Scillia on the October 21, 2017 and October 22, 2017 while he was in Booking Area of the Bridgeport Police Department after the incident occurred at 316 Colorado Avenue.

(View/camera PD1-8 REPORT WRITING AREA) On October 21, 2017 Sergeant Scillia is captured on view/camera PD1-8 REPORT WRITING AREA arriving at 10:56:03 PM (time stamp on video) also in the room is Officer Szeps and Officer Cruz. Officer Szeps shows Sergeant Scillia the magazine and gun recovered from Mr. Mendez during the 316 Colorado Avenue incident. As the video progresses several Officers enter the room while Sergeant Scillia is present and they appear to discuss the events which occurred at 316 Colorado Avenue. At 11:01:14 Officer Bepko while speaking to Sergeant Scillia appears to demonstrate the injuries sustained by Mr. Mendez by making a circle with his index finger and thumb and pressing his fingers against the right temple area of his own face several times. Several more Officers enter the room and continue to speak with each other and Sergeant Scillia until 11:09:16PM. Sergeant Scillia is speaking with Officers during this time frame for approximately fourteen minutes before leaving this area of booking. After speaking with the Officers Sergeant Scillia walks away and into the view of one of the following booking desk views/cameras: PD1-6 BOOKING DESK BEHIND, PD-11 BOOKING DESK FRONT, PD1-5 BOOKING DESK SIDE, and CITY-PD BOOKING MONEY COUNTER.

3. Video Name: **10-21-17 Booking Desk 4 views with audio**, this particular series of videos captures four different views of the Booking Desk Area within the Bridgeport Police Department located at 300 Congress Street. PD1-6 BOOKING DESK BEHIND, PD1-11 BOOKING DESK FRONT, PD1-5 BOOKING DESK SIDE, CITY-PD BOOKING MONEY COUNTER.

(View/camera PD1-11 BOOKING DESK FRONT) At 11:09:16 Sergeant Scillia walks in and observes the processing of individuals arrested at 316 Colorado Avenue he also speaks with Detention Officer Firpi and the Booking Sergeant, Sergeant Long.

(View/camera PD1-5 BOOKING DESK SIDE) At 11:10:28PM Sergeant Scillia takes a different position in processing area of booking and continues to observe the processing of prisoners.

(View/camera PD1-5 BOOKING DESK SIDE) At 11:20:43PM Sergeant Scillia speaks with Mr. Mendez who is sitting in the holding cell and ends his conversation with Mr. Mendez at 11:21:52 PM and continues to observe the activity in booking while speaking with and another arrest person Mr. Morales who is be processed in front of the booking desk.

(View/camera PD1-5 BOOKING DESK SIDE and PD1-HOLDING CELL REAR) At 11:31:00PM Mr. Mendez, who is in the holding cell handcuffed, falls backwards in the holding cell while speaking with Officer Silva, and falls to the floor of the holding cell. Sergeant Scillia takes notice and moves Mr. Morales away from the holding cell, Mr. Morales asks Sergeant Scillia if it was necessary to move him, Sergeant Scillia says yes, it was, stay there and shut up. Sergeant Scillia then enters the holding cell with the medics at 11:31:22PM to help Mr. Mendez who is now lying on the floor handcuffed. Mr. Mendez is placed in a neck brace and sat in a medical chair by the medics at 11:34:19PM. Mr. Mendez is wheeled out of booking and placed in an ambulance at 11:36:22PM by the medics and Sergeant Scillia is present, (View/camera PD1-10 SALLY PORT RAMP).

(View/camera PD1-6 BOOKING DESK SIDE) At 11:44:08PM Sergeant Scillia enters booking again and briefly walks into the male cell block area with Sergeant Long and reenters the booking area.

(View/camera PD1-8 REPORT WRITING AREA) At 11:45:18 Sergeant Scillia walks back into the report writing area and hands Officer Szeps a holster. At 11:45:29 Sergeant Scillia and Officer Szeps walk out of the view of this camera in the direction of a rear stairway at the back of the report writing room. At 11:47:07PM Sergeant Scillia and Officer Szeps return to the room and are back in view of the camera. Sergeant Scillia remains in the report writing area until 11:49:43 speaking with Officers who are present.

(View/camera PD1-11 BOOKING DESK FRONT) At 11:49:44 Sergeant Scillia reenters the booking area and speaks with Officer Pecirep while requesting an addition unit to report to booking for a transport for another arrest person (Mr. Peter Diaz). Sergeant Scillia and Officer Pecirep assist each other with the preparation of Mr. Diaz for transport. At 11:51:36 Sergeant Scillia, Officer Pecirep, Detention Officer Figueroa, a male and female medic enter the male cell block area with a medical chair to help transport Mr. Diaz who has an injured leg.

4. Video Name: **Male Cell Area 25 hours**, this particular series of videos captures fourteen different cells of the male cell block area of the Bridgeport Police Department located at 300 Congress Street. Each view/camera has its own name for e.g. PD3-6 MALE 6 and PD3-7 MALE 7

The following is a summary of the video obtained during the course of this investigation capturing the conduct of Sergeant Paul Scillia on the October 21, 2017 and October 22, 2017 while in the male cell block area preparing Mr. Peter Diaz for transport to the hospital. Sergeant Scillia, Officer Pecirep, Detention Officer Figueroa, a male and female medic are captured in front of cells PD3-6 MALE 6 and PD3-7 MALE 7 while removing Mr. Diaz for transport to the hospital.

(View/camera Cells PD3-6 MALE 6 and PD3-7 MALE 7) At 11:51:46 Sergeant Scillia, Officer Pecirep, Detention Officer Figueroa, a male and female medic with a medical chair approach the area of male cell number 6 and male cell number 7 which are next to each other. Mr. Diaz is secured in cell number 7 and is about to be removed for transport to the hospital for treatment to his leg.

(View/camera PD3-7 MALE 7) At 11:52:50 the medics place the medical chair in cell number 7 and Mr. Diaz is able to sit in it Mr. Diaz is handcuffed. The Medics then wheel Mr. Diaz out of the cell into the walk way portion of the cell block Sergeant Scillia, Officer Pecirep and Detention Officer Figueroa are on lookers.

(View/camera PD3-7 MALE 7) At 11:53:00 a strap attached to the medical chair is placed over the chest area of Mr. Diaz by both the male and female medics it is then buckled and snugged up into place by the medics, Sergeant Scillia, Officer Pecirep and Detention Officer Figueroa are on lookers.

(View/camera Cells PD3-6 MALE 6 and PD3-7 MALE 7) At 11:53:19 the medic wheel Mr. Diaz backward further into the walk way of the male cell block to create room for Detention Officer Figueroa who is attempting to shackle the ankles of Mr. Diaz before transport, Sergeant Scillia, Officer Pecirep and the medics are on lookers.

(View/camera Cells PD3-6 MALE 6 and PD3-7 MALE 7) At 11:53:40 Detention Officer Figueroa pokes Mr. Diaz in the chest and they begin to argue Sergeant Scillia, Officer Pecirep and the medics are on lookers.

(View/camera Cells PD3-6 MALE 6 and PD3-7 MALE 7) At 11:53:44 Sergeant Scillia during the argument grabs a secondary strap which appears to have been not used by the medics to fasten Mr. Diaz to the chair. This secondary strap had a buckle attached to it and was attached to the medical chair Mr. Diaz was sitting in. Sergeant Scillia buckles it in the chest area of Mr. Diaz. Sergeant Scillia then grips the strap with both hands, pulls the strap in an upward motion to snug it, and strikes Mr. Diaz in the face with enough force to thrust his head backwards, lifting the front of the medical chair, Officer Pecirep and the medics are on lookers.

(View/camera Cells PD3-6 MALE 6 and PD3-7 MALE 7) At 11:53:51 after striking Mr. Diaz in the face Mr. Diaz looks at Sergeant Scillia. Sergeant Scillia does not appear to make eye contact with Mr. Diaz nor does Sergeant Scillia show and body language that would indicate he had accidentally struck Mr. Diaz in the face.

(View/camera Cells PD3-6 MALE 6 and PD3-7 MALE 7) At 11:53:52 Detention Officer Figueroa completes the shackling of Mr. Diaz and moves out of the way so Mr. Diaz can be wheeled down the ramp of the male cell block area by the medics who then pull Mr. Diaz further backwards in the walk way of the cell block. At 11:54:00 Sergeant Scillia walks in front of Mr. Diaz and makes contact with his feet one of which being injured. Sergeant Scillia makes contact with Mr. Diaz by sweeping his right leg in front of Mr. Diaz brushing the feet of Mr. Diaz. After making contact with the injured foot/leg of Mr. Diaz, Mr. Diaz briefly looks at Sergeant Scillia. Sergeant Scillia does not appear to make eye contact with Mr. Diaz nor does Sergeant Scillia show and body language that would indicate he had accidentally made contact with his injured foot/leg. Officer Pecirep and the medics are on lookers. Mr. Diaz is then wheeled back to the booking area.

(View/camera PD1-6 BOOKING DESK BEHIND) At 11:54:31 Mr. Diaz is wheeled into the booking area Sergeant Scillia, Officer Pecirep, Officer Manning and Detention Officer Figueroa and Firpi and the medics are present. At 11:55:15 Mr. Diaz is wheeled out of booking by the medics. As Mr. Diaz is wheeled out Sergeant Scillia begins to ridicule Mr. Diaz in a sarcastic tone with the following remarks: Have fun sir, hope you feel better, I hope you feel better pal, see you later buddy.

(View/camera PD1-6 BOOKING DESK BEHIND) At 11:55:31 Sergeant Scillia shuts the door behind Mr. Diaz as he leaves with the medics. Sergeant Scillia then begins to justify his conduct with Mr. Diaz to Detention Officer Figueroa and Detention Officer Firpi by explaining what he had done while in the male cell block with Mr. Diaz. Sergeant Scillia states the following at 11:55:29: Yeah, my hand slipped and hit him in the face by accident, when I was putting the seat belt on, so you know. Sergeant Scillia then pats Detention Officer Figueroa on the back. Sergeant Scillia then explains the following: and I then tripped, and my foot tripped right into his bad ankle, I didn't mean to, it was very tight, Detention Officer Figueroa exhaled and Sergeant Scillia says to Detention Officer Figueroa, they get under your skin.

(View/camera PD1-8 REPORT WRITING AREA) At 11:56:58PM Sergeant Scillia goes back into the report writing area and walks by the Officers and out of camera view at 11:57:27.

(View/camera PD1-8 REPORT WRITING AREA) At 12:03:23AM on October 22, 2017 Sergeant Scillia comes back and walks into the booking area.

(View/camera PD1-6 BOOKING DESK BEHIND) At 12:03:49 Sergeant Scillia asks Detention Officer Firpi what the name of the individual was that just left. Officer Firpi gives him the name Mr. Peter Diaz. He then asked what cell Mr. Diaz was in and Officer Firpi tells him cell number 7.

(View/camera PD1-6 BOOKING DESK BEHIND) At 12:07:23 AM Sergeant Scillia walks away thought the report writing area again then returns at 12:51:12AM and speaks with Sergeant Delgado until 12:52:28AM.

(View/camera PD1-2 PHOTO AREA) At 12:52:36AM Sergeant Scillia walks into the Sergeants Office in the rear of booking and at 01:21:58 Sergeant Delgado walks into the Sergeants Office. Sergeant Scillia remains in the sergeant's office until 01:29:59AM at which time he walks out and through the report writing area passing several Officers and is out of camera view at 01:30:12AM on October 22, 2017.

**The undersigned Sergeant has determined, based on the statement of Sergeant Paul Scillia coupled with the facts and circumstances revealed and obtained during the course of this investigation, that the preponderance of evidence has been substantiated to conclude Sergeant Paul Scillia has violated Bridgeport Police Policy and Procedures/Rules and Regulations.**

## 9. Sergeant Ivan Delgado

### **Official Explanatory Report authored by Sergeant Ivan Delgado to Captain Kevin Gilleran.**

On October 21, 2017 I was the sergeant assigned to the Blue sector (west side). At approximately 2215hrs I heard channel one dispatched Blue 11 Officer McLaughlin to the area of Colorado Ave and State St on a noise complaint. Soon after Officer McLaughlin transmitted that she need it extra assistance at 316 Colorado Ave due to unruly individuals at a loud party at said location. After her transmission, Officer Mazzacco who was now on scene as a cover unit, called a 10-32 (officer need assistance / all available units go). He stated that at this point party goers had turned hostile towards officers and the party need it to be shut down and some of the individuals were going to be place under arrest.

At approximately 2230hrs I jumped in the passenger side of a patrol vehicle along with Sgt. Long and headed towards 316 Colorado Ave. We arrived at said location at approximately 2235hrs along with several other units. As I walked towards the side of the house that leads to the back yard. I observed some individuals that were already in the rear seat of police vehicles. Also observed several officers escorting other individuals out of the back yard already in cuffs. It should be noted that all the individuals that I observed where very combative, cursing at officers and appeared to be intoxicated. The scene was chaotic as other party goers that were compliant walked out in order to leave.

At this point I walked into the back yard where I observed several tables, chairs and Halloween decoration. Also observed several empty bottles of alcoholic beverage on the tables and thrown about the yard. I then saw Officer Stern approached a party later identified as Mendez, Carmelo, who was recording the incident with his cell phone and tell him something like "is was time to leave". Officer Stern placed his hand on Mendez arm in order to guide him out. At this point Mendez swung his arm in an outward motion to prevent any further contact. Mendez stated, "don't touch me, this is my house". Mendez became uncooperative and continued the hostility towards the officers on scene. Officer Szeps who was nearby approached Mendez and advised him that he was now under arrest and placed his hands behind his back. Officer Szeps reached out to take control of Mendez as he pulled away and stated, "get the fuck off me".

Mendez appeared to be intoxicated. He would not comply with verbal commands and at this point Officer Szeps took Mendez to the ground where a struggle ensued (see officer's Szeps addendum and use of force). At this point other party goers, who identified themselves as family of the home owner, remained on scene as they were very cooperative with officers. I approached Officer Mazzacco who advised me that all the parties that were hostile and uncooperative towards officers where now under arrest. I then walked out of the back yard and instructed for officers to start transporting arrestees into booking.

At approximately 2310 hrs. I arrived in booking where I met with several officers that were involved in this incident. I advised them of the need to complete all pertinent paperwork (Addendums / Use force reports) before going home. While in booking I approached the big holding cell where some of the parties arrested were placed. I approached them with the intent to get their account of what took place, I was received with several verbal insults and a lot of hostility.

A party identified as Morales, Fernando instructed everyone in the cell no to talk to me and stated that his lawyer will take care everything. I returned to the report room and remained there until all reports were completed. During this time, I was advised By Officer McLaughlin that Officer Blackwell was on scene and had helped with detaining and cuffing a female on scene. I immediately called Officer Blackwell via cell phone who then informed me that he was already home. I instructed him to complete his addendum the following date October 22. I also had a phone conversation with you (Capt. Gilleran) where you instructed me to email you all the completed reports (main file and addendums). This task was completed at 0446hrs on October 22.

On October 23, 2017 I returned to work (overtime detail on my second day off). I was instructed by you to complete all the Use of Force report which I did. At 0023hrs on October 24 all completed Use of Force reports with cover report and conclusion were e-mailed to you. You also instructed me to retain the originals and turn them over to It. Sapiro upon returning to work.

On October 24 at approximately 1043hrs you called me via cell phone and requested to turn all the originals Use of Force report to you as soon as possible. At approximately 1121hrs I came into patrol while off duty (third day off) and placed in your mail box an envelope containing all originals Use of Force reports along with copies of the main report and addendums completed by officers. While completing said task I also completed this report to document my actions on the day of the incident as well the days after.

On October 27, 2017, Sergeant John Burke and Sergeant Jessie Pizarro conducted a taped interview of Sergeant Ivan Delgado in the Office of Internal Affairs. *See Sergeant Delgado's complete statement for specific details.*

**Summary of statement given by Sergeant Ivan Delgado, summarized by Sergeant Fabio Pereira, Sergeant, Delgado stated the following among other things:**

On October 27, 2017, Sergeant John Burke and Sergeant Jessie Pizarro conducted a taped interview of Sergeant Ivan Delgado in the Office of Internal Affairs. *See Sergeant Delgado's complete statement for specific details.*

Sergeant Delgado has been employed with the City of Bridgeport as a Police Officer for approximately 10 years. Sergeant Delgado stated that when the call of the 10-32 (Officer needs assistance) went out over the radio he saw Sergeant Jeffrey Long running towards a car, so he jumped in the car with him. Sergeant Delgado articulated that Sergeant Long drove while he was the passenger. Sergeant Delgado relates that upon their arrival at Colorado Avenue there were multiple cars and people on scene.

Sergeant Delgado states that as he got near the house, he remembered some Officers escorting Mr. Fernando Morales out. Sergeant Delgado notes that Mr. Morales was very vocal and that he was cursing at the Officers while he was handcuffed. Sergeant Delgado explains that he continued towards the back of the house and came across Officer Michael Mazzacco and quickly asked him if he was okay since he was the one that had called for assistance.

According to Sergeant Delgado, there was a gate open that lead to the back yard and he walked in and noticed multiple tables and that the yard was littered with alcohol bottles and Halloween decorations. Sergeant Delgado conveys that he observed a "Spanish individual" (Mr. Carmelo Mendez) who had a camera or a phone recording the incident.

Sergeant Delgado continues that he then heard Officer Hugo Stern telling Mr. Mendez that he needed to go, and that Mr. Mendez responded by saying to Officer Stern, **"fuck you, don't touch me, I'm not going anywhere."** Sergeant Delgado indicates that he turned around and saw Officer Stern placing his hand on Mr. Mendez's right arm to guide him out of the area and then observed Mr. Mendez swing his arm around to get Officer Stern's hands off him.

Sergeant Delgado states that at this point, Officer Szeps was walking into the yard and believed that he observed the same thing he did and told Mr. Mendez that he was under arrest and **to turn around and place his hands behind his back.** Sergeant Delgado notes that as Officer Szeps walked toward Mr. Mendez, he grabbed him by the arm and Mr. Mendez started to pull away and said, **"fuck you, I'm not goin' nowhere this is my house."**



Sergeant Delgado relates that Officer Szeps took Mr. Mendez down to the ground and that he moved in to assist Officer Szeps at the same time as two or three other Officers came over in the process. Sergeant Delgado relays that during the process, he got hit in his upper lip and nose which caused his eyes to get watery. Sergeant Delgado explains that he looked away and started to walk away and that he then remembers Officer Szeps saying, "gun, gun."

Sergeant Delgado stated that he moved away and saw Officer Szeps lifting his arm and hand over a gun to Officer Stern. Sergeant Delgado continues that at that point, he walked towards the back of the yard and started to feel for his teeth and he felt a little blood in his mouth and spit a couple of times. Sergeant Delgado states that by the time he looked back, they already had Mr. Mendez in handcuffs and they were walking out of the yard.

Sergeant Delgado relates that as he started to walk out, he came across Officer Bobby Hernandez who was talking to the couple that were sitting down. Sergeant Delgado relates that Officer Hernandez was trying to get the couples information due to the fact there were some kids in the party that were taken inside the house. Sergeant Delgado indicated that he went to the sidewalk and started to get the Officers to move the car and to start to transport people to Booking.

Sergeant Delgado relates that he then saw a pickup truck coming at a high rate of speed to the point he couldn't go anywhere and then slammed on the brakes. Sergeant Delgado states that Officer Joseph Pires orders the individual to park his truck and then orders the individual out of the truck. Sergeant Delgado states that Officer Pires arrested the party for reckless driving. Sergeant Delgado notes that he didn't believe that the individual was part of the party. According to Sergeant Delgado, Officer Pires and Officer Linet Castillo-Jimenez stayed behind for the tow.

Sergeant Delgado relates that from there he assisted with clearing the scene and getting people to Booking. Sergeant Delgado states that he jumped back in the car with Sergeant Long to Congress Street and went up to Booking. Once in Booking, Sergeant Delgado states that he went towards the holding cell and observed that Mr. Mendez had a little bit of dried blood on his forehead and he asked him if he needed the medics and the Mr. Mendez said, "No." Sergeant Delgado states that he then heard Sergeant Long call for the medics.

Sergeant Delgado conveys that he tried to engage them in a conversation, but that Mr. Fernando Morales started to call him all kinds of names and turned towards Mr. Mendez and told him not to talk to the cops. Sergeant Delgado continues that he asked Mr. Mendez for his gun permit and advised him that he had 13 rounds in the magazine and Connecticut Law says that you can only have 10. Sergeant Delgado indicated that Mr. Mendez stated that he didn't have on him but did in fact have a gun permit and denied having 13 rounds in the magazine.

Sergeant Delgado relayed that he was made aware by Sergeant Long that Mr. Mendez had passed out in the cell and later transported to the Hospital. Sergeant Delgado stated that he was in the report room when Mr. Mendez passed out.

Sergeant Delgado stated that he then walked towards the report room and there were a number of officers there. Sergeant Delgado states that he then addressed the Officers that were on scene at 316 Colorado Avenue that they needed to write an addendum of what they did and whoever needs to do a Use of Force, it needs to be completed that night. Sergeant Delgado added that Captain Kevin Gilleran contacted him about the reports regarding Colorado Avenue and that he sent it to him through a PDF file. Sergeant Delgado states that he did not see anybody use a baton or an ASP during the incident but had read it in Officer Hernandez's report that Detective Fortes had used it in Mr. Mendez arrest. Sergeant

Delgado reports that he saw Detective Kenneth Fortes on Monday while he was working a road job and requested for Detective Fortes to complete one.

Sergeant Delgado added that while in Booking, he was informed by Officer Daniel Faroni that he needed to go back to Colorado Avenue because the wheelchair fell off. According to Sergeant Delgado, Officer Faroni relayed to him that one of the parties arrested had a leg injury and he was in a wheelchair. Sergeant Delgado stated that later on that night, he came across Officer Faroni who informed him that one of the family members had it on scene.

#### **Summary of Video Footage provided by Mr. Carmelo Mendez**

Under this video footage, Sergeant Delgado is observed walking in to the property at 2:40 into the video. Sergeant Delgado then walks behind Officer Stern who is walking towards Mr. Mendez. Once Mr. Mendez is taken to the ground the cell phone stops filming.

#### **Summary of Video Footage provided by Attorney Robert Berke**

By reviewing this video footage under Channel 7, Sergeant Delgado is observed walking towards the front of the property at 10:28:45 and then walks to the backyard at 10:29:19. Sergeant Delgado is observed walking behind Officer Stern who is walking towards Mr. Mendez. Once Mr. Mendez is then taken to the ground by Officer Szeps and Sergeant Delgado is observed going to the ground. As soon as Mr. Mendez goes down, Sergeant Delgado follows, however, he quickly disappears from the camera view at 10:29:34.

Note that Sergeant Delgado indicates in his statement that Officer Szeps took Mr. Mendez down to the ground and that he moved in to assist Officer Szeps at the same time as two or three other Officers came over in the process. Sergeant Delgado relayed that during the process, he got hit in his upper lip and nose which caused his eyes to get watery. Sergeant Delgado explains that he looked away and started to walk away and that he then remembers Officer Szeps saying, "gun, gun." Sergeant Delgado stated that he moved away and saw Officer Szeps lifting Mr. Mendez's arm and hand over a gun to Officer Stern. By reviewing the video footage, these actions cannot be seen or confirmed.

Sergeant Delgado is seen in the video again at 10:30:40 at which point, Mr. Mendez is being picked up and escorted out of the property. Sergeant Delgado stays in the backyard as other officers are there and goes back and forth between the front of the house and the backyard. At 10:39:05, Sergeant Delgado walks over to the incident involving the pick-up truck and stays on scene speaking to the officers. Under Channel 1, at 10:44:40 Sergeant Delgado is observed leaving the scene and walking over to his patrol car which is out of camera view.

#### **Summary of Booking Video**

By reviewing the Booking Video, Sergeant Delgado is observed entering Booking at 22:55:43 hours by entering the door that is closest to the Holding Cell. Sergeant Delgado then walks in to the report writing room and walks back out and attempts to speak to Mr. Mendez who is inside the holding cell. The viewer can hear Sergeant Delgado speaking to Mr. Mendez about his pistol permit. Sergeant Delgado then speaks to Mr. Mendez about him having 15 rounds in the magazine.

Also, inside the holding cell is Mr. Fernando Morales who tells Mr. Mendez to not to speak to Sergeant Delgado and keeps interrupting Sergeant Delgado as he is speaking to Mr. Mendez. Mr. Morales then tells Sergeant Delgado to, "Suck a big dick". Due to several people talking at the same time it is hard to hear the conversation between Sergeant Delgado and Mr. Mendez.

Sergeant Delgado then stays in the Processing area for a few minutes and then goes to the report writing and speaks to the Officers that are there. Note that there is no audio in the report writing room. Sergeant Delgado remains the remainder of his time in the report writing room until he leaves at 04:59:25am on October 22, 2017.

**The undersigned Sergeant has determined, has no sustained Bridgeport Police Department Rules and Regulations/ Policy and Procedure violations at this time.**

10. Civilian Detention Officer Paul Humphrey

**Summary of statement given by Detention Officer Paul Humphrey, summarized by Sergeant Milton Johnson, Detention Officer Humphrey stated the following among other things:**

On October 27, 2017, Sergeant Santiago Llanos and Sergeant Milton Johnson conducted a taped interview of Detention Officer Paul Humphrey in the Office of Internal Affairs. *See Detention Officer Humphrey's complete statement for specific details.*

Detention Officer Humphrey has been employed with the City of Bridgeport as a Detention Officer for approximately 13 years. Detention Officer Humphrey stated that on October 21, 2017, he was assigned as a Detention Officer during the evening shift which began at 1500hrs and ends at 2300hrs. Detention Officer Humphrey went on to state that he was working with Detention Officer Denise May, and Detention Officer Angelique Cruz, who was training at the time. Detention Officer Humphrey also stated that Sergeant Mark Belinkie was their supervisor for that shift.

Detention Officer Humphrey added that they were somehow notified that a large group was coming in. Detention Officer Humphrey stated that when the prisoners arrived, Sergeant Belinkie had already left and the midnight shift sergeant had not yet arrived, causing for a chaotic situation. Detention Officer Humphrey stated that he is unsure if Sergeant Belinkie knew that the group was coming.

Detention Officer Humphrey went on to state that he went to assist Officer Faroni in "literally dragging Peter Diaz up the stairs" (*Page 15, line 639*) and Officer Lattanzio came in with another prisoner, whom Detention Officer Humphrey was unable to name at the time. Detention Officer Humphrey continued, stating that several other males came in and were ushered into the holding cell, and two female prisoners came in and were brought to a different area.

Detention Officer Humphrey stated that, due to their aggressive behavior, the prisoners must have been intoxicated. Detention Officer Humphrey added that a situation such as this is unusual, as one or two prisoners are usually allowed to be brought in at a time while others would be made to wait outside in the patrol car, or inside the sally port area.

Detention Officer Humphrey stated that he was at the holding cell talking with Carmelo Mendez, who was visibly injured and cooperative when he noticed that tensions between Officer Lattanzio and Peter Diaz were heating up. Detention Officer Humphrey added that the two had been "going at it the whole time" even though Officer Faroni was processing Mr. Diaz and Officer Lattanzio was processing another prisoner.

Detention Officer Humphrey went on to state that upon noticing the rising tension between Officer Lattanzio and Mr. Diaz, he started over to become a buffer between the two when he observed Mr. Diaz spit in Officer Lattanzio's face. Detention Officer Humphrey stated that Officer Lattanzio "hit" Mr. Diaz who then fell to the floor. Detention Officer Humphrey noted that Mr. Diaz was handcuffed at the time.

Detention Officer Humphrey stated that he, Officer Faroni and Officer Silva picked Mr. Diaz up, placed him in a chair and rolled him up the ramp and to cell number 7. Detention Officer Humphrey added that he did not see Officer Lattanzio kick Mr. Diaz. After helping to get Mr. Diaz into the cell, Detention Officer Humphrey stated that it must have been after 2300hrs, because Detention Officers Firpi and Figueroa had arrived, as well as Sergeant Long, who was assigned as the midnight shift Booking Sergeant.

Detention Officer Humphrey went on to state that he advised Sergeant Long about Mendez's need for medical attention, and Sergeant Long called for the medics to be notified. Detention Officer Humphrey stated that he, Detention Officer May and Detention Officer Cruz left booking at approximately 2320hrs.

**The undersigned Sergeant has determined, based on the statement of Detention Officer Paul Humphrey coupled with the facts and circumstances revealed and obtained during the course of this investigation, that the preponderance of evidence has been substantiated to conclude Detention Officer Humphrey has violated Bridgeport Police Policy and Procedures/Rules and Regulations.**

11. Police Officer Geraldo Ortiz

**Summary of the statement given by Officer Geraldo Ortiz, summarized by Sergeant Lawrence Lazaro, Officer Ortiz stated the following among other things:**

On October 27, 2017, Sergeant Larry Lazaro and Sergeant Jesse Pizarro conducted a taped interview of Officer Geraldo Ortiz in the Office of Internal Affairs. *See Officer Ortiz's complete statement for specific details.*

Officer Ortiz has been employed with the City of Bridgeport as a Police Officer for approximately 24 years. Officer Ortiz stated that on the night of October 21, 2017 Officer Ortiz was on overtime and assigned to car Green 31 with Officer Stanitis. Upon arrival at 316 Colorado Avenue Officer Ortiz observed a tumultuous scene. He stated there were Officers and Citizens yelling at each other, loud music playing and Officers from adjacent towns on scene as well.

Officer Ortiz and his partner proceeded down the driveway of 316 Colorado Avenue towards the back yard where he observed a melee taking place. As he continued his approach he could see what appeared to be a melee that was actually a group of Officers attempting to handcuff an individual on the ground. Officer Ortiz states he could hear the Officers yelling at the individual ordering him to stop resisting as he made his way into the back yard towards the crowd of people that were yelling to assure they did not interfere with the Officers attempting to affect the arrest.

Officer Ortiz states he remained in the back yard doing crowd control until the Officers stood the individual up that was on the ground and escorted him to the front of the residence. It was then that Officer Ortiz walked to the front yard to meet up with his partner. Once there, they returned to their vehicle and resumed patrol in their assigned sector which was the east side designated the "Green Sector". At no time following the incident did they report to patrol. Officer Ortiz did not complete any reports pertaining to the incident.

**The undersigned Sergeant has determined Officer Geraldo Ortiz has no sustained Bridgeport Police Department Rules and Regulations/ Policy and Procedure violations at this time.**

## 12. Civilian Detention Officer Denise May

**Summary of statement given by Detention Officer Denise May, summarized by Sergeant Milton Johnson, Detention Officer May stated the following among other things:**

On October 27, 2017, Sergeant Santiago LLanos and Sergeant Milton Johnson conducted a taped interview of Detention Officer Denis May in the Office of Internal Affairs. *See Detention Officer May's complete statement for specific details.*

Detention Officer May has been employed with the City of Bridgeport as a Detention Officer for approximately 13 years. Detention Officer May stated that on October 21, 2017, she was assigned as a Detention Officer during the evening shift which began at 1500hrs and ends at 2300hrs. Detention Officer May went on to state that she was working with Detention Officer Paul Humphrey, and Detention Officer Angelique Cruz, who was training at the time. Detention Officer May also stated that although initially unsure, Sergeant Mark Belinkie was their supervisor for that shift.

Detention Officer May stated that she heard over the police radio, which is in the booking area, that a large group of individuals were being transported to booking as a result of them having been arrested. Detention Officer May also stated that Sergeant Belinkie had left, prior to the arrival of the group of prisoners, and the midnight shift supervisor had not yet arrived. Detention Officer May stated that if no supervisor is on the floor, they would normal call down to patrol to have one sent up, but that did not happen.

Detention Officer May went on to state that, under normal circumstances, no more than two prisoners are allowed into booking at the same time. The rest would be required to wait in the police cars, or in the sally port area. However, in this particular circumstance, the first prisoner to arrive was Peter Diaz, whom was unable to walk, and thus needed assistance. Detention Officer May stated that she held the button to keep the sally port door unlocked, as Detention Officer Humphrey went out to assist in getting Mr. Diaz into the booking area.

Detention Officer May went on to state that, as Detention Officer Humphrey and another officer were assisting Mr. Diaz in the sally port, several other officers along with their prisoners went around and entered the booking area. Detention Officer May described the situation as "chaotic" and "blur" but stated that her focus was on Mr. Diaz getting into the building.

Detention Officer May stated that she directed officers to start putting people into the holding cell, and she estimated that approximately five males were placed there. Detention Officer May went on to state that two males were outside of the holding cell being processed, and two female prisoners were brought toward where the finger print and photographing station is located. Detention Officer May added that all of the prisoners, aside from the females, were belligerent, however, some of the male prisoners were cooperative with the police.

Detention Officer May stated that as she was in the back area assisting with the pat downs of the female prisoners, she was able to hear "voices getting really loud". Detention Officer May went on to state that she went to the front and attempted to bring some calm to the situation by stating something to the effect of "We not having this up in here".

Detention Officer May continued, stating that while she was behind the booking desk, she observed Mr. Diaz do a "spitting motion", and so she stepped down to get to the other side. Detention Officer May noted that she did not see any liquid spit come from Diaz's mouth. Detention Officer May stated that by the time she stepped down and came around the booking desk, Mr. Diaz was on the ground and officers were attempting to get him out of the way.

Detention Officer May stated that she did not see Officer Lattanzio punch Mr. Diaz, but also stated that the height of booking desk, in conjunction with her own height (5'2') would have prevented her from seeing it. Detention Officer May added that Mr. Diaz was handcuffed at the time. Detention Officer May also added that Mr. Diaz was placed in a chair and pushed up to cell number 7.

Detention Officer May stated that after Mr. Diaz got into the cell, she returned to assist with the female prisoners. Detention Officer May recalled that one of the prisoners came in that was visibly injured but was unsure of what was done about it.

Detention Officer May stated that Detention Officers Firpi and Figueroa arrived for the start of their shifts, and she advised Detention Officer Firpi of the situation as best she could. Detention Officer May went on to state that Sergeant Long also arrived and was the midnight shift booking supervisor. Detention Officer May stated that she left booking at approximately 2315hrs.

**The undersigned Sergeant has determined Civilian Detention Officer Denise May has no sustained Bridgeport Police Department Rules and Regulations/ Policy and Procedure violations at this time.**



13. Lieutenant Robert Sapiro

**Summary of statement given by Lieutenant Robert Sapiro, summarized by Sergeant Milton Johnson, Lieutenant Sapiro stated the following among other things:**

On October 28, 2017, Sergeant Santiago LLanos and Sergeant John Burke conducted a taped interview of Lieutenant Robert Sapiro in the Office of Internal Affairs. *See Lieutenant Sapiro's complete statement for specific details.*

Lieutenant Sapiro has been employed with the City of Bridgeport as a Police Officer for approximately 26 years. Lieutenant Sapiro stated that on October 21, 2017, he was assigned as the patrol shift commander and was in the patrol Lieutenant's office when the signal 32 was called.

Lieutenant Sapiro went on to state that he got into a patrol car that was operated by Sergeant Scott Whaehler and traveled to the location, but when they arrived, they parked near the corner of Fairfield Avenue and Colorado Avenue as there were numerous cars and the street was nearly blocked. Lieutenant Sapiro continued on, stating that as he approached the house, he observed officers attempting to put a suspect into the back of a vehicle, and as he approached the rear yard, from the driveway, he observed several Halloween decorations.

Lieutenant Sapiro stated that he observed officers escorting a woman, assumingly in handcuffs, out of the rear yard. Lieutenant Sapiro went on to state that he observed more party decorations, a swimming pool and several tables with liquor bottles and glasses on them when he got to the rear yard of the property. Lieutenant Sapiro added that there were not many citizens remaining on scene, as they must have left prior to his arrival, but he did observe two couples that were seated in the rear yard, as well as a DJ (disc jockey) that was packing up in the rear left corner of the yard.

Lieutenant Sapiro stated that he observed "something going on and then suddenly", he heard "Gun. He's got a gun." Lieutenant Sapiro went on to state that he then observed some officers bringing someone to the ground but was unable to see the person officers were on top of. Lieutenant Sapiro stated that the officers had that situation under control, and he did not "jump in".

Lieutenant Sapiro stated that he does not know who yelled gun, and he also does not know who the officers were that were dealing with that situation, as all he saw were the "backs of a lot of officers". Lieutenant Sapiro went on to state that he didn't want to focus on that one situation and lose what was going on because he had just arrived. Lieutenant Sapiro added that aside from that, the situation was pretty much over with.

Lieutenant Sapiro stated that Officer Mazzacco approached him and advised him of the situation. Lieutenant Sapiro continued, stating that Officer Mazzacco told him that when he arrived, they had gotten "rushed by a huge crowd of people." Lieutenant Sapiro was unable to recall any additional details about what Officer Mazzacco told him. Lieutenant Sapiro went on to state that he spoke with Officer McLaughlin and attempted to calm her down, because she is a new officer, and this was a big call.

Lieutenant Sapiro, responding directly to questioning, stated that he does not know if the person who was taken to the ground was resisting arrest, as he didn't even see that party, neither did he see a gun until he arrived at booking. Lieutenant Sapiro went on to state that he didn't even see when that party what picked up and walked to the patrol car.

Lieutenant Sapiro stated that he made his way to the back and was talking to a couple that was sitting at a table. Lieutenant Sapiro also stated that he did not observe any officers striking the individual, nor did he

observe any officers getting struck by the individual. Lieutenant Sapiro added that he did not observe any officer pull out an asp baton, nor did he hear one being extended. Lieutenant Sapiro stated that he did not hear anyone saying, "They're hitting me. They're hitting me."

When asked if any other supervisors were on scene, Lieutenant Sapiro stated that he rode with Sergeant Waehler and he also saw and spoke with Sergeant Delgado but was unable to recall that conversation. Lieutenant Sapiro also stated that he got a ride back to patrol from Sergeant Scillia. Lieutenant Sapiro added that there may have been additional supervisors on scene, as it was a signal 32.

Lieutenant Sapiro stated that he learned of injuries to at least two of the arrested parties when he got to booking but was not informed of injuries while on the scene. Lieutenant Sapiro estimates that he was on scene for 10-15 minutes, and the scene was pretty much cleared out by the time he left. Lieutenant Sapiro discussed the situation with Sergeant Delgado, and with Officer McLaughlin, where he advised her to take her time with this, because it could get overwhelming with the large amount of arrests.

Lieutenant Sapiro stated that during the ride back to patrol, he and Sergeant Scillia did talk about something, but he could not recall what they talked about. Lieutenant Sapiro went on to state that when they got back to the Police Station, he initially went to patrol, but when he got into booking, he described the scene as "crowded in front of the booking desk." Lieutenant Sapiro described the situation as abnormal, as, under usual circumstances, prisoners are brought in one at a time.

Lieutenant Sapiro stated that he positioned himself behind the booking desk to observe and to assist where he can. Lieutenant Sapiro, however, did not personally observe any of the injured parties. Lieutenant Sapiro added that he learned, during the night, that someone fell, and that there was a person in a wheelchair that needed to go to the hospital, but his injury was not related to anything that occurred on scene.

Lieutenant Sapiro stated that someone spat in Officer Lattanzio's face, so he went to speak with Officer Lattanzio, who was in the report writing room. Lieutenant Sapiro went on to state that Officer Lattanzio told him that the party was elbowing him, and shoving him, and mouthing off, and then the guy spat in his face. Lieutenant Sapiro continued, stating that Officer Lattanzio said that he slapped him. Lieutenant Sapiro added that Officer Lattanzio did not tell him if the party was handcuffed or not, nor did he know if the party was handcuffed at the time. Lieutenant Sapiro also stated that he did complete the PMA form for Officer Lattanzio.

Lieutenant Sapiro stated that during his time in booking, he spoke with Sergeant Delgado and Sergeant Long. Sergeant Delgado told Lieutenant Sapiro that he got hit in the lip and that it hurt. Sergeant Delgado told Lieutenant Sapiro that he did not want to file a workman's comp report or anything like that. Lieutenant Sapiro went on to state that Sergeant Delgado also kept him updated as to everything that was going on. Lieutenant Sapiro continued, stating that he advised Sergeant Delgado that he must get everyone's reports prior to them leaving for the night.

Lieutenant Sapiro stated that Sergeant Long took over as the Booking Sergeant for the overnight shift. Lieutenant Sapiro spoke with Sergeant Long about the person that fell and observed that the party was transported to the Hospital. In a follow-up conversation with Sergeant Long, Lieutenant Sapiro stated that Sergeant Long informed him that Lieutenant Dickerson had been notified and that he was attempting to review the booking video to determine what happened but was unable.

When questioned as whether Sergeant Scillia informed him about an incident, Lieutenant Sapiro stated that Sergeant Scillia came downstairs, near the time that Lieutenant Sapiro was preparing to leave and informed him that he had an incident. Lieutenant Sapiro went on to state that Sergeant Scillia told him

that he was helping the medics strap someone into a gurney, and that his hand slipped and made contact with the party that was in the gurney, who was under arrest.

Lieutenant Sapiro further explained that this occurred when he was tightening the gurney strap. Lieutenant Sapiro continued, stating that Sergeant Scillia told him that he didn't think that it was a Use of Force, but offered a report if Lieutenant Sapiro needed one. Lieutenant Sapiro stated that he told Sergeant Scillia to give him a report on Tuesday, as he would not be back until then. Lieutenant Sapiro added that Sergeant Scillia did not inform him about striking the arrested party's foot.

Lieutenant Sapiro stated that he did not know what Sergeant Scillia's function was at 316 Colorado Avenue, nor did he see any supervisors engaged in any activity while there. Lieutenant Sapiro also stated that he is not aware if any photographs were taken of the injured parties, nor did he know if they were interviewed separately or not. Lieutenant Sapiro stated that he was told by Captain Gilleran not to review anything and to give everything to Captain Gilleran.

When questioned about a conversation with Sergeant Delgado in the report writing room section of booking, Lieutenant Sapiro stated that he does not remember making any type of motion with his fist that resembled punching towards the air, nor did he remember talking to Sergeant Delgado about any specific actions by any officer.

Lieutenant Sapiro stated that he did speak with Officer Szepe in the report writing room probably with respect to the gun but could not remember the details of the conversation. Lieutenant Sapiro stated that he booked off at approximately 0400hrs on 10/22/17.

**The undersigned Sergeant has determined, based on the statement of Lieutenant Robert Sapiro coupled with the facts and circumstances revealed and obtained during the course of this investigation, that the preponderance of evidence has been substantiated to conclude Lieutenant Robert Sapiro has violated Bridgeport Police Policy and Procedures/Rules and Regulations.**

#### 14. Police Officer Cody Remy

**Summary of statement given by Officer Cody Remy, summarized by Sergeant Lawrence Lazaro, Officer Remy stated the following among other things:**

On October 28, 2017, Sergeant John Klesyk and Sergeant Larry Lazaro conducted a taped interview of Officer Cody Remy in the Office of Internal Affairs. *See Officer Remy's complete statement for specific details.*

Officer Cody Remy has been employed with the City of Bridgeport as a Police Officer for approximately 5 years. Officer Remy stated that states he was assigned to Amber 26 C Shift "a solo car". After review of the C Shift Patrol Roster dated Saturday October 21, 2017 it was discovered that Officer Remy was in fact assigned to car Amber 23. The sergeant assigned to his sector was Sergeant Jeff Long designated (A2). He further states it may have been Sgt. Delgado. Officer Remy goes on to state that he had a Probationary Police Officer riding with him and he was training him on the night in question when in fact he was riding with veteran Police Officer John Topolski. Officer Topolski was in fact his partner the entire shift.

While on patrol Officer Remy heard an Officer call out 10-32 (Officer needs assistance) over the radio. Officer Remy states he does not recall where he was or what he was doing when the 10-32 was called however he does remember he immediately headed over in response to the call. Upon his arrival at 316 Colorado Avenue Officer Remy parked his vehicle north of the residence where he could hear a large amount of yelling coming from the rear of 316 Colorado Avenue.

Officer Remy stated he could also see other Officers walking towards the rear of the residence. Officer Remy then ran towards the rear of the residence where he observed a large number of Officers. Five or six of them were on the porch attempting to handcuff an individual. While they were doing this a number of people began to advance towards the Officers yelling and shouting at them. Officer Remy then positioned himself between the Officers who were on the porch and the people who were advancing in order to keep the peace.

During Officer Remy's transcribed interview on page #10, line #450 Officer Remy is asked if he can identify any of the five Officers who were on the porch with him. Officer Remy responds that he does not recall who was on the porch. He further states that he ran up to the porch because he observed the Officers were in need of assistance and that they were attempting to handcuff an individual however he still does not recall who the Officers were.

Officer Remy maintains that throughout the incident he was facing the crowd in the yard and his back was toward the Officers on the porch preventing him from identifying any Officers on the porch or the Officers in the yard. Officer Remy further states he did remember seeing Officer McLaughlin at some point on scene in the driveway of the residence however he did not see her in the yard or on the porch during the incident.

Throughout this interview Officer Remy maintains that he does not remember speaking to any Officers on scene of the 10-32. On Page 29, line 1279 Officer Remy was asked "do you remember speaking with anyone on scene at the 1032 that night? Any Officer on the scene." Officer Remy replies on page 29 line 1282 "no, I don't remember speaking to any Officer on scene." He then states on page 30 line 1317 "I was instructed by Sergeant Scillia to start transporting the prisoner to booking".

Officer Remy goes on to state on page 33 line 1454 about giving his Probationary Police Officer instructions while on scene which would contradict his prior statement however, he did not have a Probationary Police Officer riding with him on the night in question.

Officer Remy goes on to contradict himself several times regarding who he saw on scene of the 1032, finally stating that at some point in time that evening on scene he saw and or interacted with Officers Mazzacco, McLaughlin, Szeps and Sergeant Scillia. Officer Remy also believes he transported a prisoner to booking for either Officer Mazzacco or Officer Mirtsopoulos, he could not remember exactly who it was.

Upon clearing the scene of the incident Officer Remy states, he transported a prisoner to booking, completed the initial paperwork and handed it off to the arresting Officer who he believes may have been Officer McLaughlin.

During a subsequent review of the surveillance videos that were provided to the Office of Internal Affairs, there were recurring inconsistencies throughout the statement provided by Officer Remy. Officer Remy appeared to have convenient lapses in memory whenever he was asked to identify any Officers or Supervisors on scene.

During the video provided to the Office of Internal Affairs Officer Remy is seen moving throughout the yard, onto the porch and back into the yard with clear, unobstructed views of the Officers on scene performing their duties and interacting with the citizens. Officer Remy's recalcitrance over providing even the smallest details regarding the Officer's identities or actions on the scene of 316 Colorado Avenue are clear as he observe him in the video posted in various vantage points allowing him to monitor both the citizens and the Officers before exiting the same way he entered the back yard of the residence, through the driveway and being assigned a prisoner to transport to booking and told to clear by a Supervisor.

**The undersigned Sergeant has determined, a finding of "Separated from Service" as a requirement of Bridgeport Police Department Policy and Procedure Order, number 4.02 which states in part: "In the event an Officer separates from service through (death, retirement, resignation, etc.) while their actions are subject to an open Internal Affairs investigation, any such investigation shall immediately cease if there are no other respondents in said investigation. If an investigation occurs in which the separated officer is not the only respondent, the investigation will continue and the disposition relative to the separated officer will be "Separated from Service."**

15. Police Officer Matthew Johnson

**Summary of two different Police Reports authored by Officer Matthew Johnson for the same incident.**

**Report One:**

Reporting officer M. Johnson responded to an "officer needs assistance" call for a noise complaint where parties were becoming agitated and aggressive. Upon arrival, I assisted units on scene in clearing out a large party from the rear of 316 Colorado Avenue. While assisting in this capacity, Suspect Deida, Sara (DOB [REDACTED] 1 - CGS Sec. ...) threw what appeared to be water on PO M. Blackwell, who was also assisting in the rear of 316 Colorado Avenue.

Suspect Deida was placed in handcuffs by PO McLaughlin while myself and PO M. Blackwell secured her hands as she attempted to resist arrest, bracing herself and holding her hands apart in an attempt to allow officers to place handcuffs on her. Suspect Deida was pat down by PO Castillo-Jimenez and escorted by PO M. Blackwell and myself to the rear of a patrol car. (This report was signed by Officer Matthew Johnson and reviewed and signed by Sergeant Jeff Long)

**Report Two:**

Reporting officer M. Johnson responded to an "officer needs assistance" call for a noise complaint where parties were becoming agitated and aggressive. Upon arrival, I assisted units on scene in clearing out a large party from the rear of 316 Colorado Avenue. While assisting in this capacity, Suspect Deida, Sara (DOB [REDACTED] 1 - CGS Sec. ...) threw what appeared to be water on PO M. Blackwell, who was also assisting in the rear of 316 Colorado Avenue.

Suspect Deida was placed in handcuffs by PO McLaughlin while myself and PO M. Blackwell secured her hands as she attempted to resist arrest. Suspect Deida was pat down by PO Castillo-Jimenez and placed in the rear of a patrol car. (This report was signed by Officer Matthew Johnson and reviewed and signed by Sergeant Ivan Delgado)

**Summary of statement given by Officer Matthew Johnson, summarized by Sergeant Fabio Pereira, Officer Johnson stated the following among other things:**

On October 30, 2017, Sergeant John Klesyk and Sergeant Larry Lazaro conducted a taped interview of Officer Matthew Johnson in the Office of Internal Affairs. *See Officer Johnson's complete statement for specific details.*

Officer Johnson has been employed with the City of Bridgeport as a Police Officer for approximately 2 years. Officer Johnson stated that he was assigned to Amber 20 "C" shift. He was working the hours of 3 (1500) till 11 (2300) and his immediate supervisor was Sergeant Jeffery Long.

Officer Johnson stated he was traveling on the highway and heard the initial call of "we need some more officers headed this way" come over channel # 1. He immediately began to travel towards this location and while en route a 10-32 (Officer Needs Assistance) was called out. Officer Johnson then arrived on scene and observed a "bunch" of patrol cars in the middle of the street and he stated people were leaving and others were being led away in handcuffs.

Officer Johnson stated that there was a lot of commotion with people yelling at officers, and he made his way into the backyard of 316 Colorado Avenue and began to survey the scene. Once in the backyard he

observed people being cuffed, people on the ground and people hanging out on the porch. While positioned near the porch he was hit with a liquid substance, Officer Johnson quickly turned around and observed a woman on the porch in a Halloween costume with either a cup or pot in her hand.

Officer Blackwell who was also struck by this substance immediately went up onto the porch and confronted this woman followed by Officer Johnson. Officer Blackwell attempted to arrest this individual while she was actively resisting by holding her hands apart. Officer Blackwell secured one hand while Officer Johnson secured the other and Officer McLoughlin could place cuffs onto her. This female was then taken to a police vehicle, placed into the rear of the vehicle and awaited transport to booking. Officer Johnson informed this undersigned investigator that he did not transport this female to booking, he transported a male.

Officer Johnson transported this male to booking without incident (mileage given), and once at booking Officer Johnson explained to this undersigned investigator that booking was very busy with people all around and in various cells. He was in the process of filling out the necessary booking paperwork for the individual he transported and went behind the booking desk to staple his booking sheets when he heard Officer Lattanzio say "he spit on me".

Officer Johnson then looked up and observed an individual on the ground surrounded by booking staff and other officers. Officer Johnson stated he never saw Officer Lattanzio strike this individual only hearing him say, "he spit on me". Officer Johnson then informed booking personnel he was not the arresting officer for the individual he transported; the arresting officer was on his way and this individual's booking paperwork was completed.

At Colorado Avenue, Officer Johnson informed us that he never spoke to a Sergeant, never was assigned a position by a sergeant nor did he interact with one while on scene. He also stated that when he was at Colorado Avenue he never observed medics. The only time Officer Johnson observed medics was when he was at booking.

Officer Johnson was instructed to write an addendum for his actions at 316 Colorado Avenue by Officer McLoughlin in which he assisted in the arrest of the lady who threw water on him. Officer Johnson left booking and worked Green 32 for four hours after his shift on overtime.

#### **Summary of Video Footage provided by Attorney Robert Berke**

By reviewing this video footage under channel 7, Officer Johnson is first observed walking towards the rear of the house at 10:26:54. Officer Johnson is observed under Channel 6, which faces the rear / driveway area of the house at 10:27:08 and walks towards the rear porch area. At this time, Officer McLaughlin and Officer Sherback are placing Fernando Morales under arrest and Officer Johnson walks over to assist.

At the same time, Officer Blackwell is on scene and moves Peter Diaz who is in a wheelchair to the side. Officer Blackwell and Officer Faroni are then at the bottom of the steps of the rear porch and Officer Faroni then grabs a hold of the wheelchair and starts to wheel Peter Diaz away. Officer Blackwell is standing next to Officer Faroni and with his back to the porch and at 10:27:36, a liquid substance is thrown on both Officers from the porch area.

Note that Officer Johnson is out of the camera view when this occurs because the camera does not catch the porch area. Officer Blackwell and other officers then converge on the porch. Officer Johnson then re-emerges on the camera view again at 10:29:10 and walks over to the front of the house.

Under Channel 7, Officer Johnson is observed walking with Officer Blackwell and Sara Deida to a patrol vehicle that is parked South of the house on Colorado Avenue. At 10:31:51, Officer Johnson walks back over to the front of the house and then to the rear / driveway.

Officer Johnson walks in the camera view of Channel 6 at 10:32:07 and stays in the area and is observed speaking to other officers. Note that there are no other significant incidents that happen at this time. At 10:35:14, Officer Johnson leaves the area and goes to the front of the house and leaves the area.

#### Summary of Video Footage from Jose Alvarado's Cell Phone

By reviewing this video from Jose Alvarado's cell phone, which was provided by Attorney Robert Berke, at 01:03 minutes into the video, you hear a commotion and then several officers, Officer McLaughlin, Officer Bobby Hernandez, Officer Mazzacco, and Officer Johnson converge to the porch area.

The video then shows Officer Johnson, Officer Blackwell, and Officer McLaughlin attempting to arrest Sara Deida who has her hands behind her back and appears to be resisting. The video then turns away from the officers and shuts off a few seconds later. ***Note that Officer Johnson states that Officer Blackwell attempted to arrest Sara Deida while she was actively resisting by holding her hands apart. Officer Blackwell secured one hand while Officer Johnson secured the other so that Officer McLaughlin could handcuff her. The video does not show Sara Deida being handcuffed.***

#### Summary of Video Footage provided by Carmelo Mendez

By reviewing this video footage at 01:07 a viewer can hear several people are alarmed by something and then observe Officer Johnson, Officer McLaughlin, Officer Mazzacco, and Officer Bobby Hernandez run up to the porch area. At this time, Officer Blackwell is also at the porch and a viewer can see him and Officer McLaughlin attempting to arrest Sara Deida. Note that the view is blurry, and Officer Johnson is not observed in the porch area. Officer Johnson is last seen walking away from the porch towards the front of the house at 02:40 minutes into the video.

#### Summary of Booking Video

By reviewing the Booking footage, Officer Johnson walks in to Booking through the sally port doors at 10:49:55 with Jose Rosario. Jose Rosario is then placed in the bull pen by Officer Steven Silva. Officer Johnson is then observed speaking to Detention Officer Paul Humphrey and then walks up behind the Booking desk. At 10:52:47 when Officer Lattanzio pushes Peter Diaz, Officer Johnson is still behind the desk completing an arrest, however, he is not looking towards their direction.

After a few seconds, Officer Johnson turns his attention towards Peter Diaz and Officer Lattanzio. Peter Diaz then swipes Officer Lattanzio's hands as he is pointing his fingers at him and Officer Johnson walks over to the side of the Booking desk. Peter Diaz then spits on Officer Lattanzio's face (10:53:04) at which time, it appears that Officer Johnson is still standing next to the booking desk, but he is not looking in their direction. ***Note that Officer Johnson noted in his statement that was behind the booking desk at the time when he heard what sounded like spit or someone like spitting. Officer Johnson relates that he then looked up and observed an individual on the ground surrounded by booking staff and other officers.***

A few seconds after Peter Diaz spits on Officer Lattanzio, he strikes Peter Diaz in the face. Officer Johnson is still standing next to the Booking desk, however at the moment Officer Lattanzio strikes Peter Diaz, he looks down and put his pen away in his right chest pocket. When he looks up, Peter Diaz is being taken to the ground and he walks over behind the booking desk. ***Officer Johnson reported during***



***his interview that he never saw Officer Lattanzio strike this individual only hearing him say, "he spit on me."***

While behind the booking desk, Officer Johnson continues to fill out the arrest card and other intake paperwork. At 11:02:35, Jose Rosario is let out of the holding cells by Detention Officer Cruz and at this point, Officer Johnson starts processing him. Officer Johnson finishes processing Jose Rosario who is then brought to a cell while he goes behind the booking desk and it observed putting all of Jose Rosario's paperwork together.

Officer Johnson then goes into the report writing area at 11:23:55 for a few minutes and then goes back out to the booking processing area. Officer Johnson then leaves booking at 11:28:40 hours. Officer Johnson comes back to Booking at 12:04:36 to put Jose Rosario's phone into his property. Officer Johnson then leaves Booking at 12:10:14am on 10/22/17 and does not come back.

**The undersigned Sergeant has determined, based on the statement of Officer Matthew Johnson coupled with the facts and circumstances revealed and obtained during the course of this investigation, that the preponderance of evidence has been substantiated to conclude Officer Matthew Johnson has violated Bridgeport Police Policy and Procedures/Rules and Regulations.**

16. Sergeant Gregg Granello

**Summary of Sergeant Granello's statement summarized by Sergeant John Klesyk, Sergeant Granello stated the following among other things:**

On October 30, 2017, Sergeant John Klesyk and Sergeant Larry Lazaro conducted a taped interview of Sergeant Gregg Granello in the Office of Internal Affairs. *See Sergeant Granello's complete statement for specific details.*

Sergeant Granello has been employed with the City of Bridgeport as a Police Officer for approximately 21 years. Sergeant Granello stated that on October 21, 2017, he was assigned to G2 "C" shift. He was working the hours of 2:30 (1430) till 10:30 (2230) and is the immediate supervisor for the East Side/Sector of Bridgeport.

Sergeant Granello stated that he was not working when the 10-32 was called out and only learned of the incident when arrived for work the next day by Sergeant Jeffery long who briefed him on the prior evenings events.

**The undersigned Sergeant has determined Sergeant Gregg Granello has no sustained Bridgeport Police Department Rules and Regulations/ Policy and Procedure violations at this time in reference to this incident.**

## 17. Police Officer Adam Szeps

**Summary of statement given by Officer Adam Szeps summarized by Sergeant Fabio Pereira, Officer Szeps stated the following among other things:**

This interview was conducted by Sergeant Santiago Llanos and present was Sergeant John Burke and Union Steward Bradford Seely on October 30, 2017. This interview utilized audio taped log # 5951. The interview was conducted at the Office of Internal Affairs located at 999 Broad Street Bridgeport, Connecticut. This interview is regarding an internal investigation initiated by the Chief of Police Armando J. Perez involving an incident at 316 Colorado Avenue on October 21, 2017 at approximately 2200 hours.

During the interview, Officer Szeps states that he was assigned to Blue 15 on the evening in question. Officer Szeps indicated that upon his arrival he had to park several houses down and then made his way down to 316 Colorado Avenue. Once in the driveway, Officer Szeps stated that it was chaos and that there were people everywhere and a lot of yelling and swearing. Officer Szeps added that there was a lot of belligerent people and that the crowd was hostile.

Officer Szeps related that he was trying to find the initial officer, Officer Natalie McLaughlin, and that was his goal. Officer Szeps revealed that he was not cognizant of what the other officers were doing or their conversations. Officer Szeps totaled the number of civilians at about 15 to 20 and expressed that he felt that he was in danger. Officer Szeps described the scene with dark spots and some lit spots that were from the house lights.

According to Officer Szeps, he became engaged with a Mr. Carmelo Mendez who came out of one of those dark lit spots and that he was yelling and swearing which caught his attention. Officer Szeps indicates that Officer Hugo Stern told him that it was time to go and that he then placed his arm under his elbow and that Mr. Mendez stated, "Fuckin' cops. Fuck you." (Szeps 324) Officer Szeps believed that when Mr. Mendez thrust his arm up away from Officer Stern, he thought that it was an attempt to strike him. Officer Szeps added that he really didn't see Officer Stern make contact, but that Mr. Mendez's immediate action was to bring up his elbow.

Officer Szeps states that he then stepped in and said, "Now it's time to go. You're under arrest. Come here", and that Mr. Mendez replied by saying, "No. Fuck you." (Szeps 333-334) Officer Szeps indicates that he went to put his arms on him and he pulled away from him. Officer Szeps discloses that he was outnumbered and that he was really concerned that he was not going to get jumped from behind. Officer Szeps states that he immediately brought Mr. Mendez to the ground.

Officer Szeps reveals that as soon as he brought him to the ground, Mr. Mendez made a hard reach for his right side. Officer Szeps stated that he didn't know if it was instinct but that when he secured his arm, he lifted up his sleeve and there was a firearm in his waistband and that he yelled, "Gun." (Szeps 342) Officer Szeps declares that he just wanted to get the firearm off of Mr. Mendez in case someone picked it up and used against them or some kid grabbed it, even though he stated that he had not seen any children on scene.

Officer Szeps articulates that when yelled "Gun", several officers jumped on top of Mr. Mendez assisting him. Officer Szeps remembers Detective Fortes as being an Officer assisting him and specifically him because when he was able to get both arms out, he told him to handcuff him. Officer Szeps articulated that he then removed the weapon from the holster and handed it to Officer Stern who then secured the weapon. Officer Szeps related that once he secured the firearm, he initially brought it to his chest and leaned back and saw Officer Stern. Officer Szeps stated that he then made eye contact with Officer Stern

and he put his hand out and he passed the firearm to him and he secured it. Per Officer Szeps, he does not remember Mr. Mendez saying at any time that he had a gun permit.

Officer Szeps conveyed that after he secured the weapon, Mr. Mendez pulled his arms away from him and that the fight was on to get Mr. Mendez handcuffed. Officer Szeps notes that Mr. Mendez was resisting violently and that he didn't think he knew the firearm was secured off of him. Officer Szeps declares that Mr. Mendez was still reaching for the firearm and that he just wasn't giving up his hands and explained that every time he tried to maneuver to get his hands from underneath from him, Mr. Mendez maneuvered another way.

Officer Szeps indicated that in the fight to get Mr. Mendez contained, he hit him multiple times in the back and at least twice in the face to get control of his arms. Officer Szeps notes that he hit Mr. Mendez before he was handcuffed and while attempting to get control of Mr. Mendez, he gave him orders to, "Let me- give me your hand. Stop fighting. Give me your hands." (Szeps 562-563) and, "Stop Resisting. Stop fighting. Give us your hands." (Szeps 1372) Officer Szeps conveyed that Mr. Mendez responded by yelling several obscenities and kept resisting and did not comply with anything that he was being told. Officer Szeps articulated that after he struck him, he didn't think that it was affecting him much and he didn't want to hurt himself, so he just went back to trying to get that arm out.

Officer Szeps states that he was able to secure one arm and that he attempted to reach for his handcuffs, but Officer Stephen Silva's handcuffs had fallen on the ground and they were closer to him. Officer Szeps explains that he did not want to lose grip on Mr. Mendez's arms and he reached down and picked up the handcuffs. Officer Szeps states that he then got one handcuff on and that he still was not giving up the other arm and eventually was able to get the other arm and he double-locked it. Once the handcuffs were secured the fight was over and he picked him up with the help of Officer Silva and cleared him out. According to Officer Szeps, there was really nobody else around when they picked him up.

Officer Szeps states that when he had Mr. Mendez in custody he wanted to remove him as quickly as possible since he was responsible for him and pending that the crowd was still hostile.

Officer Szeps notes that he and Officer Silva walked Mr. Mendez to Officer Silva's patrol vehicle and searched him and placed him in the car. Officer Szeps continued that Officer Stern gave him the firearm which he then secured on his person and that he was transported to Booking.

Officer Szeps stated that he had not observed any injuries on Mr. Mendez prior to being placed under arrest, however, he revealed that he observed a little bit of dried blood above his eye before placing him in the Police vehicle. Officer Szeps stated that he did not see any swelling on Mr. Mendez nor did he complain of any injuries. Officer Szeps indicated that Mr. Mendez was his arrest. Officer Szeps states that he believed Mr. Mendez was intoxicated because he could smell the distinct odor of alcohol coming off his breath and noted that he smelled it even more profusely after the struggle. Officer Szeps declares that while on scene he did not see anyone else strike Mr. Mendez while he was handcuffed.

Officer Szeps states that he then went to Booking and that while he was up there he did not see an altercation take place. Officer Szeps conveys that he then wrote his report along with his Use of Force.

**Summary of Video Footage provided by Mr. Carmelo Mendez capturing the conduct of Officer Adam Szepts.**

Upon reviewing the video footage provided by Mr. Carmelo Mendez from his cell phone, it shows Officer Stern walk in at approximately 2:52 minutes into the video. As soon as Officer Stern walks in he says, "Let's Go". Officer Stern then walks directly towards Mr. Mendez and as soon as he approaches him, he again says, "Let's go, party is over let's go" and Mr. Mendez replies by saying, "Don't touch me." Note that a viewer can see Officer Szepts walking towards Mr. Mendez as well right behind Sergeant Ivan Delgado.

Officer Stern again tells Mr. Mendez, "Let's go" and Mr. Mendez says, "This is my sister house". Officer Stern repeats, "Let's go" and then a viewer can hear Officer Szepts say, "You are going" and the camera goes blurry. In his statement, Officer Szepts states that he observed Mr. Mendez thrust his arms away from Officer Stern which cannot be seen in this video. The viewer can hear someone say, "What are you talking about" but it cannot be determined who says it. At this point, the cell phone is still recording, however, a viewer cannot see the video clearly. You then hear people screaming and then Mr. Mendez say, "Yo, he just hit me" and a viewer can hear a struggle going on in the background. Right after that Officer Szepts yells, "He's got a gun, he's got a gun." The video ends after this point. Note that you do not hear Mr. Mendez at any time yell that he has a gun permit.

**Summary of Video Footage provided by Attorney Robert Berke capturing the conduct of Officer Adam Szepts.**

In this video footage under Channel 6, Officer Szepts walks in to the backyard at 10:28:40 hours. Officer Szepts goes out of the camera view and then returns to the backyard walking behind Officer Stern and Sergeant Ivan Delgado a minute later. Officer Stern then walks right towards Mr. Mendez who can be seen recording the incident with his cell phone. Mr. Mendez is then observed raising his arm right after Officer Stern approaches him.

It is at this point (10:29:35) that Officer Szepts walks up to Mr. Mendez and grabs him by his left arm and takes him to the ground. Once Mr. Mendez is on the ground, several Officers now converge on Mr. Mendez. In his statement, Officer Szepts indicates that he hit Mr. Mendez several times, however, in this video a viewer cannot see Officer Szepts hitting Mr. Mendez in the mix of all the Officers. In his statement, Officer Szepts also notes that there were approximately 15-20 civilians on scene. In the video, a viewer can only see approximately 5 civilians. It should be noted that there is no video of the deck area where there could be possibly more civilians.

Eventually, Officer Szepts stands up and then he and Sergeant Paul Scillia are the ones that pick Mr. Mendez from the ground and not Officer Silva as stated by Officer Szepts in his statement. As Officer Szepts is walking away with Mr. Mendez, Officer Silva grabs him by the arm and they walk to the front of the house and out of camera view.

Under Channel 1, Officer Szepts is observed walking with Mr. Mendez towards a patrol vehicle, however, the vehicle is out of camera view.

**Summary of Booking Video capturing the conduct of Officer Adam Szepts.**

Officer Szepts walks in to the report writing area at 10:50:05. At 11:01pm, Officer Szepts is observed walking into the Booking / Processing area where he speaks to Sergeant Long and Officer Silva. At the same time, Officer Mirtsopoulos is processing Mr. Ramon Davila and Officer Mathew Johnson is processing Mr. Rosario. Note that in his statement, Officer Szepts states that not at any time he went inside the Processing area while there were other prisoners there, however, the video footage shows

otherwise. The rest of the time, Officer Szeps spends most of his time in the report writing room and leaves Booking at 02:51:05am on October 22, 2017.

**The undersigned Sergeant has determined, based on the statement of Officer Adam Szeps coupled with the facts and circumstances revealed and obtained during the course of this investigation, that the preponderance of evidence has been substantiated to conclude Officer Adam Szeps has violated Bridgeport Police Policy and Procedures/Rules and Regulations.**

18. Police Officer Linett Castillo-Jimenez

**Summary of two different Police Reports authored by Officer Linett Castillo-Jimenez for the same incident.**

**Report one:**

I, Officer L Castillo responded to 316 Colorado Avenue to assist units with a hostile house party. Upon arrival, a man, later identified as Morales, Fernando, was being escorted to a patrol vehicle by **Officer Stanitis and Officer Pires**. Morales was already handcuffed but became aggressive towards the Officers. I assisted in grabbing Morales and bringing him to the ground until he complied with the commands given. I used my hand to hold Morales down against the ground while commanding him to stay quiet. Morales was commanded to remain silent several times, but he continued yell "Fuck You! Suck my dick!" Morales was grabbed by the arms and placed in the back of the patrol vehicle. **(This report was signed by Officer Castillo-Jimenez and reviewed and signed by Sergeant Ivan Delgado)**

**Report Two:**

I, Officer L Castillo responded to 316 Colorado Avenue to assist units with a hostile house party. Upon arrival, a man, later identified as Morales, Fernando, was being escorted to a patrol vehicle by **Responding Officers**. Morales was already handcuffed but became aggressive towards the Officers by **pushing his body towards the Officers. Morales continue to resist by attempting to create distance between himself and the patrol vehicle.** I assisted in grabbing Morales and bringing him to the ground until he complied with the commands given. I used my hand to hold Morales down against the ground while commanding him to stay quiet. Morales was commanded to remain silent several times, but he continued yell "Fuck You! Suck my dick!" Morales was grabbed by the arms and placed in the back of the patrol vehicle. **(This report was signed by Officer Castillo-Jimenez and reviewed and signed by Sergeant Jeff Long)**

**Summary of statement given by Officer Linet Castillo-Jimenez, summarized by Sergeant Fabio Perelra, Officer Linet Castillo stated the following among other things:**

On October 30, 2017, Sergeant Jesse Pizzaro and Sergeant John Burke conducted a taped interview of Officer Linet Castillo-Jimenez in the Office of Internal Affairs. *See Officer Linet Castillo-Jimenez's complete statement for specific details.* Officer Castillo-Jimenez has been employed with the City of Bridgeport as a Police Officer for approximately 1 year. Officer Castillo-Jimenez stated that October 21, 2017 she was assigned to Green 38 C-shift solo.

Officer Castillo-Jimenez states that she responded to the call of 10-32 (Officer needs assistance) and that once there she assisted two of the Officers escort one of the males that was already handcuffed. Officer Castillo-Jimenez states during her interview, "I honestly don't remember exactly who, 'cause there was t- there was so many officers there. The names exactly I wouldn't be able to tell you." (Castillo-Jimenez 202-203) *Note that Officer Castillo-Jimenez claims that she does not remember who the officers were, yet she authors a report in which she names both Officer Pires and Officer Stanitis.*

According to Officer Castillo-Jimenez, the party was being told that he was under arrest and that he kept fighting and throwing his body back and forth. Officer Castillo-Jimenez added that the party was calling the Officers names and saying offensive things against the Officers.

Officer Castillo-Jimenez relates that the party was brought to the side of the vehicle where they were going to open the door and that is when he started to throw his body against the Officers including his

head. Officer Castillo-Jimenez states that is when the Officers stated to put him in the ground and that she made sure that he didn't slam his head against the ground.

Officer Castillo-Jimenez indicates that she then grabbed him by the chest and put him on the ground and that she held him by the chest, so he can stop moving and told him to stay quiet. Officer Castillo-Jimenez continued that once they got the door of the patrol car open, she grabbed him by his arm, picked him up and then sat him in the vehicle. Officer Castillo-Jimenez indicated that the party was intoxicated because he was yelling and screaming, and she could smell alcohol from his breath.

Officer Castillo-Jimenez then stated that Officer Mark Blackwell was escorting another female that he had arrested and asked her to pat her down. Officer Castillo-Jimenez relates that she patted her down and placed her in the vehicle. Officer Castillo-Jimenez conveyed that after that she went to the house to see what was going on and she saw Officer McLaughlin interviewing some people sitting at a table. Officer Castillo-Jimenez mentioned that she observed alcoholic beverages on the table in the back.

Officer Castillo-Jimenez states that she assisted Officer Pires in filling out tow sheets for a vehicle that was towed from the middle of the street because the owner was being arrested. According to Officer Castillo-Jimenez, she was in the back when she heard someone slam on the brakes and then heard chaos. Officer Castillo-Jimenez continues that when she ran to go see, Officers already had the suspect out of the vehicle and his hands behind his back.

Officer Castillo-Jimenez states that they handcuffed him and told him that he was being arrested for reckless driving. Officer Castillo-Jimenez lastly added that she remembered family members arrived on scene and picked up a wheelchair from the front of the house. Officer Castillo-Jimenez stated that she was directed by Sergeant Jeffrey Long and Sergeant Ivan Delgado to write a report. Officer Castillo-Jimenez stated that she wrote an incident report as well as a Use of Force Report.

#### **Summary of Video Footage provided by Attorney Robert Berke**

Under Channel 4, Officer Castillo-Jimenez walks to the driveway at approximately 10:29:35 at which point Officer Mark Blackwell is walking out of the backyard with Ms. Sara Deida who had just been arrested. Officer Castillo-Jimenez walks over to Officer Blackwell's vehicle and she then pats her down. Ms. Deida is placed inside the vehicle and Officer Castillo-Jimenez walks back over to the front of the home. Officer Castillo-Jimenez is then seen walking around the front of the home as well as in the backyard, however, at this time all civilians have dispersed. When the incident involving the speeding truck occurs, Officer Castillo-Jimenez walks over to the pickup truck out of the camera view. Officer Linet-Castillo then stays the remainder of the time with Officer Joseph Pires waiting until the pickup truck is towed away at 11:08:40.

#### **Summary of Booking Video**

Officer Castillo-Jimenez is not seen in the Booking area while any of the incidents involving the Officers occur.

**The undersigned Sergeant has determined, based on the statement of Officer Linet Castillo-Jimenez coupled with the facts and circumstances revealed and obtained during the course of this investigation, that the preponderance of evidence has been substantiated to conclude Officer Linet Castillo-Jimenez has violated Bridgeport Police Policy and Procedures/Rules and Regulations.**



*Redaction Date: Wednesday, March 06, 2019 9:54:15 AM*

Total Number of Redactions: 7

By Exemption:

"Personal Information" (CGS Sec. 42-471): 5 instances  
"HIPAA" (HIPAA): 2 instances

By Page:

Page 63 - "HIPAA" (HIPAA): 2 instances  
Page 70 - "Personal Information" (CGS Sec. 42-471): 2 instances  
Page 81 - "Personal Information" (CGS Sec. 42-471): 1 instance  
Page 114 - "Personal Information" (CGS Sec. 42-471): 2 instances